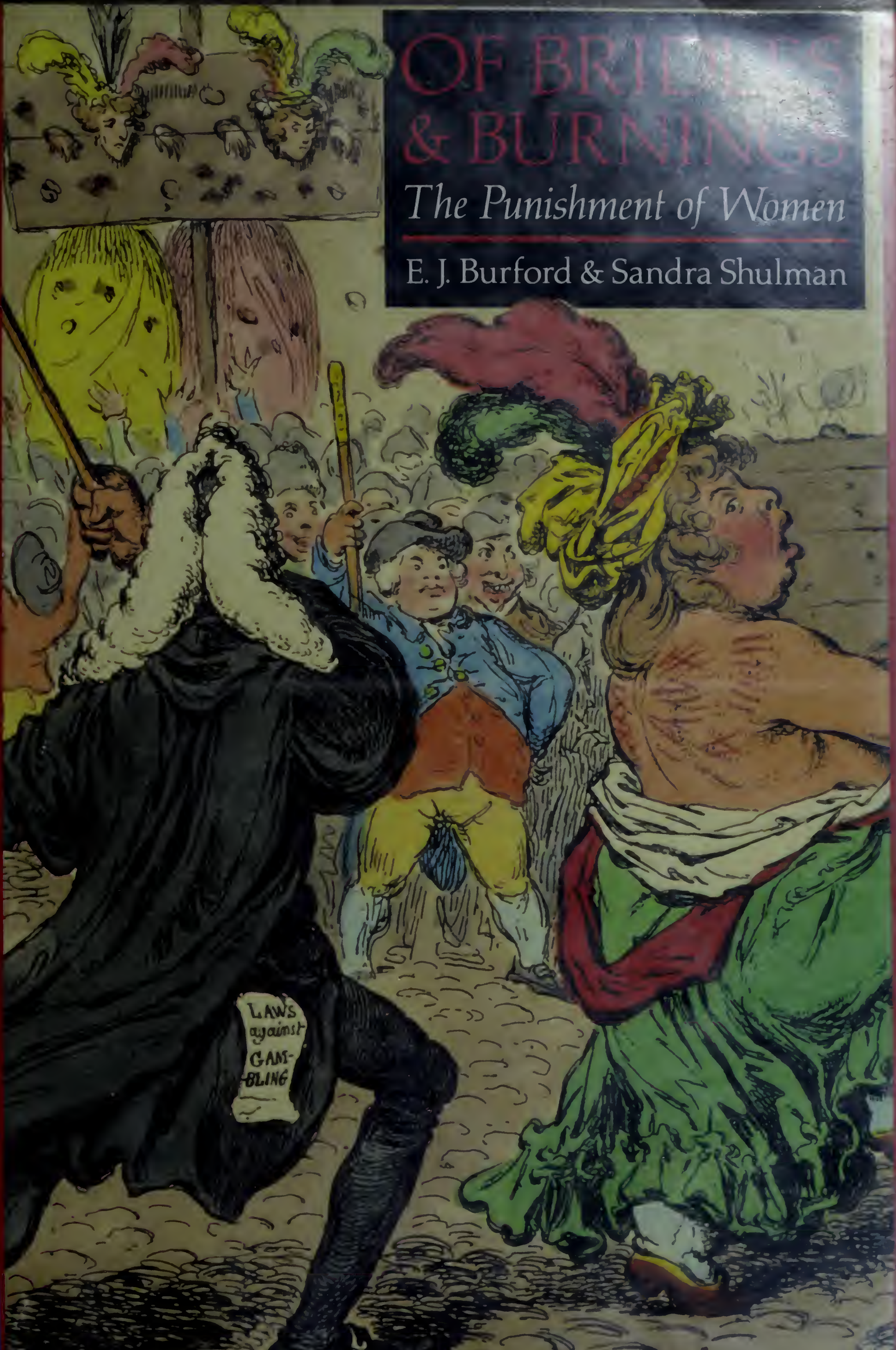
OF BRIDLES & BURNINGS

The Punishment of Women

E. J. Burford & Sandra Shulman


LAWS against GAM-BLING

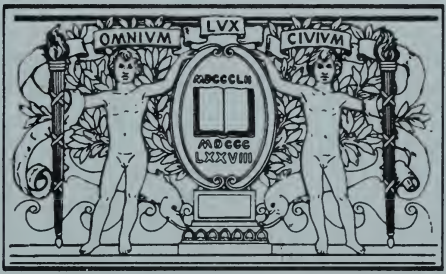
Of Bridles & Burnings
The Punishment of Women

E. J. BURFORD &
SANDRA SHULMAN

Of man's inhumanity to man there are many chronicles, but his inhumanity to those he is supposed to love and cherish has been less well-recorded. In remedying this deficiency *Of Bridles & Burnings* relates a tragic history of punishment which should have been documented long ago.

The authors describe how and why over a thousand years, by both law and custom, British women were pilloried, executed and transported and made to undergo a host of savage humiliations contrived by masculine ingenuity. In tracing the roots of these punishments and the ancient prejudices against women they reveal why man chose to inflict such suffering on those without political or economic power, whose 'crimes' often resulted from society regarding women as mentally and morally inferior. This book is of wide interest to anyone who questions why, as the year 2000 approaches, and despite the vote and laws supposedly outlawing sexual discrimination, the legal system may still treat women more severely than men.

Main jacket illustration shows James Gillray's satirical cartoon of Countess Albinia Buckinghamshire, one of *Pharaoh's Daughters*, being whipped at the cart-arse by Lord Chief Justice Kenyon who had publicly declared that he would pillory any person found guilty of gambling offences. In the event, of course, this only applied to persons of lesser quality. In the background Countess Susan Cassilis and Baroness Mary [illegible]dington are being pelted with missiles and dung by the mob (*British Museum*). *Back jacket illustration* shows the infamous bridle once used in Newcastle under Lyme for the taming of scolds (*Liverpool Libraries & Arts*).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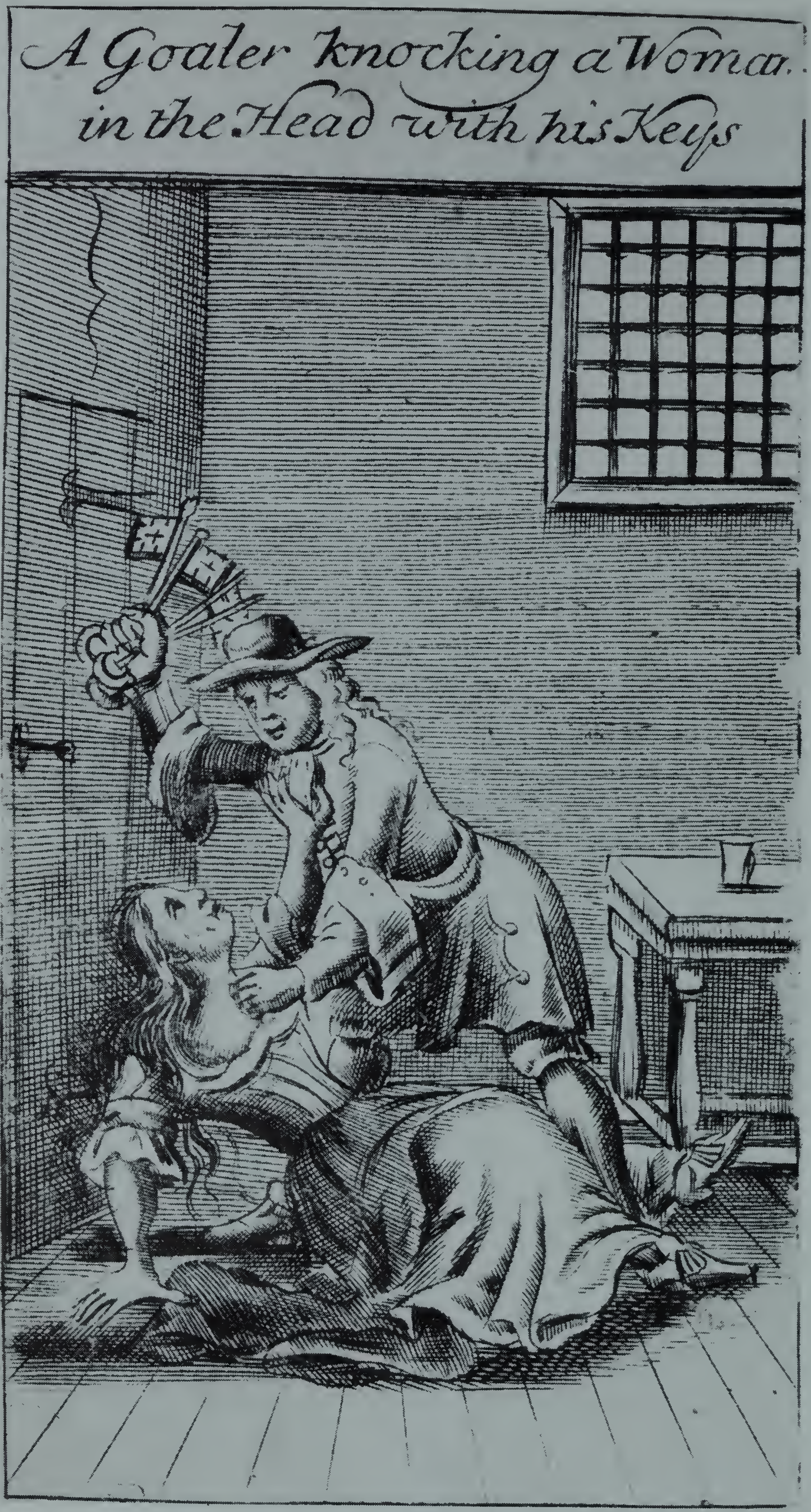
A Goaler knocking a Woman
in the Head with his Keys

A gaoler knocking a woman on the head with his pagekeys. From Moses Pitt, Cry of the Oppressed, *1689.*

Of Bridles and Burnings

The Punishment of Women

E.J. Burford
and Sandra Shulman

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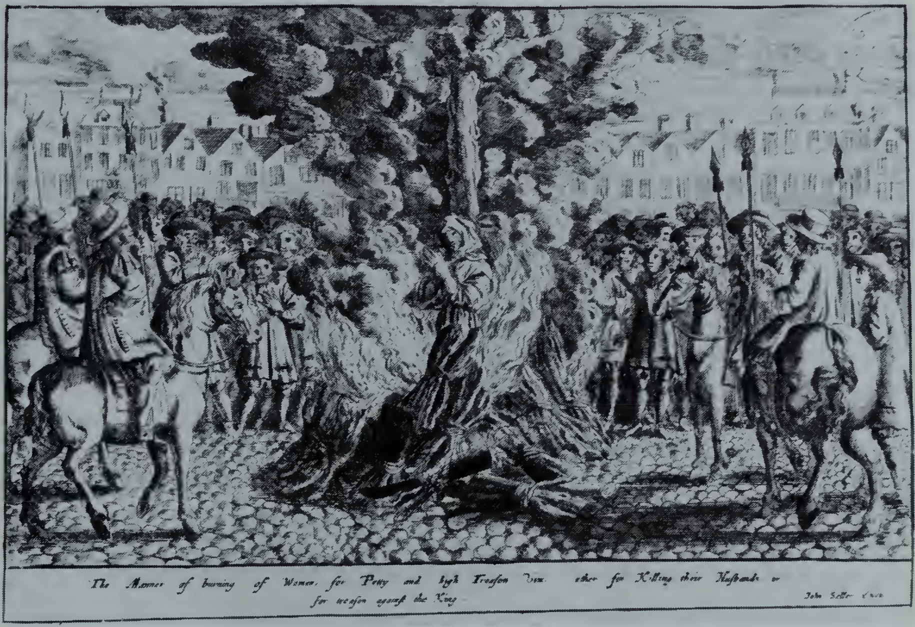
A PROMISE KEPT

Eheu! fugaces labuntur anni

1 The Roots of Punishment


The Manner of burning of Women, for Petty and high Treason Viz. either for Killing their Husbands or for treason against the King
John Seller Excu

The Manner of Burning of Women for Petty and High Treason viz either for Killing their Husbands or for Treason against the King. Engraving by John Seller.

Of man's inhumanity to man as sanctioned by this island's laws there are many records. Of man's inhumanity to the daughters of Eve few chronicles exist. It is this book's purpose to remedy that deficiency.

While the males of the animal kingdom show affection and anger to their mates they never invented special ways to torture them. Only *Homo sapiens*, the supposed zenith of creation, who uses language, copulates in private and commits genocide, devised dreadful punishments for the God-given helpmeet he was ordained to cherish and protect.

Since from earliest times women have wielded virtually no political or economic power, it is surprising to learn that all societies have gone to remarkable lengths to control and punish those it considered inferior in intellect and strength. The makers of laws and punishments were men. That they believed special measures necessary suggests they feared that women must still possess some power to usurp male authority and unravel the established fabric of society.

Under the famous legal code of the Great King Hammurabi 'whose laws alter not', who ruled Babylon from 1728 BC to 1686 BC, a woman who procured an abortion or the wife who brought about her husband's death because of another man was to be impaled on sharpened stakes. In medieval England, the wife who killed her husband was guilty of a crime more grievous than murder. She like a servant who slew his master, had committed *petit trahison* – petty treason – for which the penalty was to be burned alive at the stake. While high treason was an action against the monarch's person or majesty, including defacing the coin of the realm which bore his effigy, petty treason was the murder of one who owed the Crown allegiance so depriving the monarch of a loyal subject's service. Conversely, the husband who killed his wife had merely committed common-or-garden murder (meriting hanging) since his crime did not threaten the established order. Perhaps Hammurabi's laws indeed 'altered not' in three thousand years.

English law was burning women right up until the end of the eighteenth century. The renowned jurist Sir William Blackstone considered the burning of women for civil offences as a commutation of the sentence of hanging. In 1765 in his *Commentaries of the Laws of England* he wrote:

> For as the decency due to the sex forbids the exposing and publicly mangling their bodies, their sentence (which is . . . as terrible to sensation as the other) is, to be drawn to the gallows, and there burnt alive.

The reasoning behind this 'concession' was that originally following hanging it was customary to strip the body and hang it upside down, thus exposing the genitals. Since the exposure of female 'privities' was indecent it was preferable to burn women offenders in their shifts so nothing remained to be exposed, although such considerations of decency were insufficient to prevent women being hanged for other offences.

In what distant age society first decided to punish those who offended against its rules we can never know, but it was certainly long before such rules were inscribed. Today we are so dependent upon the written word, and more sophisticated forms of communicating and recording events and ideas as they occur, we forget that the greater part of human history has never been chronicled and can only be guessed at. We don't know how far back complex language evolved to express ideas more involved than immediate needs, but it must have been millennia before the earliest writing came into being in around 3000 BC when the beginnings of urban life made records an administrative necessity.

Long before they wrote anything down humankind was amassing facts and misconceptions. In ballad and chant, tales and myths of earlier days, including history as it was understood, were passed from generation to generation. These traditions laid the basis for the religious-magical codes of conduct founded upon an empiric comprehension of how human beings and the universe function. Hence the greater part of our heritage rests on a shadowy oral background, compelling us to make assumptions about fundamental beliefs and fears colouring the relationship between the sexes which later became enshrined in the principles and application of law.

In earliest times whatever could not be explained had to be interpreted preternaturally, so providing the foundations of magic and religion. The first rules must have surrounded whatever was regarded as the fount of power – gods and spirits – and their visible human representatives. To offend such powers would be regarded as endangering the survival of the social group. Any calamity which could not be remedied by humans – sickness, abnormal birth, death of mother and child, failure to find food, flood or drought – must be construed as supernatural anger. To punish the wrongdoer would appease this wrath and serve as an admonitory lesson. Gradually, rules and the punishments for transgressing them grew more elaborate in order to protect the authority and the possessions of those wielding power and representing the gods' interests, and all who served such rulers. From the beginning religion and law went hand in hand, the priestly caste acting as creators, codifiers and interpreters of the law. While law constrained it also shielded: to be outside the law meant death not freedom.

At the heart of earliest beliefs about survival stood woman herself; before sexual intercourse was linked with the distension of the female belly and eventual new life, pregnancy was seen as the inimitable power of female creatures. Even in King Solomon's time Ecclesiastes admits, 'You do not know how a pregnant woman comes to have a body and a living spirit in her womb.'

Women was the mistress of the secret of creation: her fecundity and the earth's were as one. To offend her was to blaspheme against existence. Since the continuation of life lay at the core of ancient beliefs the early hunters deified the concept of the Great Mother as genetrix and protectress of all living things. As far back as 25,000 BC the most common ritual artefact was the figure of a woman: a squat little 'Venus' with rudimentary face and exaggerated breasts, belly and vulva, demonstrating the worship of the power of the female to make life.

The first woman would have been quite as tough and violent as man, but inevitably maternity infused her with a practical and self-sacrificing gentleness, as well as an intuitive understanding towards the weak and helpless in her charge . . . at least in the majority of instances. Otherwise it is hard to see how the human race could have survived its initial stages. To comfort, feed, cleanse, clothe and constantly put in order, knowing all the while no finite state can be maintained, are intrinsically female talents which endowed the seeds of humanity to the rough-and-ready exigencies of the most primitive societies. Many of the basic civilizing skills, which require time, concentration and perserverance, such as pottery, weaving, agriculture, the domestication of suitable beasts, and the healing of people and animals, stemmed from early woman's hands and brain, through the limitations imposed by her nature.

Once it was established that pregnancy had to be preceded by copulation attempts were made to minimize woman's role to that of a mere receptacle (later one 'expert' went so far as to claim that the microscope had shown him incontrovertibly how a single spermatozoon contained the whole embryo). With the onset of patriarchy woman was divested of most of her ancient authority, although this must have happened only gradually, for even in civilizations with a strongly patriarchal bias, goddesses and priestesses ranked alongside gods and priests.

Men might try to relegate woman's role to insignificance but she still had the guardianship of the mysteries of life: they were born of her body; she had the ability to arouse them sexually; she was the mother of their children; and in many cultures she prepared the corpse for burial. While man might glory in his physical strength until it began to fail, woman's physiology never allowed her to escape the rhythm of life, for it was she who had to face the immediacies of menstruation, pregnancy and childbirth. Queen, saint, whore, Amazon, or maidservant are bound by the same laws of femininity. For man this secret female world from which his own physiology excluded him posed a threat.

Even when women had no rights, apprehension persisted that somehow they might still seize government. 'What's outside is man's business and let no woman give it thought. Let her stay inside and do no mischief' wrote Aeschylus in *Seven Against Thebes* in the fifth century BC; and Napoleon Bonaparte, who had a reputation as a ladies' man, echoed such a view when he succinctly advised, 'Women should stick to knitting'. Until the end of the Periclean Age around 430 BC the ancient Athenians, while lauding phallicism, exhibited severe gynophobia. The naked male body, revered for its strength and beauty, was the ideal; the smaller, weaker female having virtually no place in such a society. Women without legal rights spent their lives under the tutelage of father, brother, husband and son. Marriage was for begetting children. Men's sexual pleasure was to be had with other men or prostitutes, even more inferior than wives. With this code ensuring female subordination, why did men still dread gynocracy? There must have been an inherited fear of women somehow overthrowing the male status quo.

Perhaps masculine supremacy harboured some deep fear that if not controlled woman might find a way to employ her powers against his overlordship. Once women were barred from establishment learning, it would be argued they possessed little skill or intellect: (certain eminent Victorians opined that too much education would endanger a girl's sanity and make her infertile) so whatever their apparent power it had to be of malign origin and intent and was therefore to be discouraged. Women's witchcraft was responsible for illness. Sickness, deformity, death of babe or mother were frequently regarded as a woman's own fault – as punishments for breaking some taboo, adultery, or intercourse with demons or animals. Their sexual voracity and malice made them natural handmaids of the devil. What had once been worshipped as the source of life was devalued; any aspect of womanhood not shared by man was suspect.

That monthly flow of blood which apparently caused woman no hurt but from a man would have threatened his strength or indicated a problem lost its wonder and became sinister. Mosaic law merely stipulated segregation for menstruating women, but Pliny (AD 23–79) in his *Natural History* transformed menstrual flux into a malign force, describing how it soured wine, made crops barren, killed hives of bees, dimmed mirrors and dulled steel. While his observations suggest women's bodies render them unreliable members of society, the beliefs of certain African, American and Australian aboriginal tribes made menstruating woman into a taboo being. She was forbidden to touch anything belonging to a man or cook his food in case her influence caused him to die in battle or condemn a hunting-trip to failure. If she broke these rules she could be killed.

Christian sages were equally damning. Writing in the thirteenth century *On the Inner Secrets of Women* St Albert the Great (commonly known as *Doctor Universalis*) declared, 'menstruating women carry with them a poison that could kill an infant in its cradle'. Although twentieth-century doctors and lawyers are aware that for some women menstruation may be accompanied by deep depression or even criminal acts thankfully nobody any longer goes around reciting that old saying:

> Oh! Menstruating women, thou'rt a fiend,
> From whom all nature should be screened!

Once men began blaming humankind's fall on female sexuality they could argue menstruation was woman's penalty for Eve giving Adam the forbidden fruit; therefore it was just that she suffer in childbed, and be subordinate to men.

> Unto the woman He said, 'I will greatly mutiply thy sorrow and conception; in sorrow thou shalt bring forth children; and thy desire shall be to thy husband; and he shall rule over thee.'
>
> Genesis 3: xvi

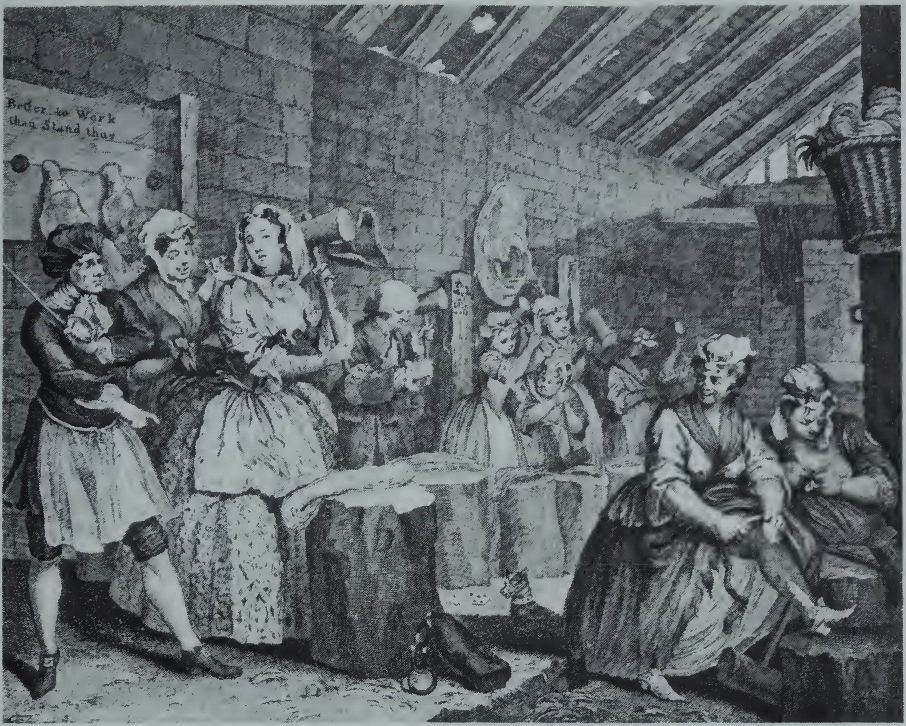
Eve is often cited as the first feminine lawbreaker – although her Hebrew name *Havva* exalts her as mother of all living; but Jewish folklore, which shares its roots with Mesopotamian and Egyptian civilizations, provides a startling instance of an earlier dangerously disobedient female. Legend has it that Adam's first wife was Lilith, the long-haired and winged, the 'terror by night' mentioned in Psalm 91, against whom God's truth 'shall be thy shield and buckler'. Sometimes known as 'the Howling one', Lilith, described as a nocturnal demon, is the prototype of the succubae which medieval minds believed responsible for nightmares, overlaying sleeping men to cause lubricious dreams and nocturnal emissions. Although Lilith lived with Adam for his first 130 years, their union was unhappy. Each refused to be submissive to the other; Lilith argued that she, like Adam, had been formed from the dust of the earth and was therefore his equal and entitled to take the dominant position in sexual intercourse. When Adam tried to compel her obedience she flew off to her own domain near the Red Sea to consort with numerous demons living thereabouts.

The creation of the far more submissive Eve and her relatively happy life with Adam aroused Lilith's ire. Thereafter she plagued the sons and daughters of Eve, draining blood and semen from men with her monstrous sexuality and killing mothers and babies. Such allegations echoed down the centuries wherever women were accused of witchcraft. This fragment of folkloral female rebellion and her insatiable sexual appetite could be deemed responsible for much of the world's evils.

Lilith is also *Lilitu,* the nightmare she-fiend feared by ancient Assyrians and Babylonians. Although the Old Testament damned the polytheism and temple prostitution of these civilizations, making them sound libertarian in the extreme, they were in fact sticklers for law and order. Many regulations rigorously controlled female entitlements and behaviour, and some of the rules were echoed in Mosaic law. In Deuteronomy 25: xi–xii, the wife who tries to help her husband involved in a fight, by grabbing his assailant's 'secrets' is condemned to have her hand cut off; in similar circumstances the Assyrian wife faced identical punishment. In the event of damage to a man's procreative organs a woman's loyalty and valour in coming to her husband's rescue did not save her from mutilation. Under Assyrian law the penalty for the woman who crushed a man's second testicle in an affray was 'both her nipples shall be torn out'.

In Christian England abscission could still occur. At Portsmouth, in the fourteenth century, where the borough customs allowed a thief 'to be scalde and hys eyen put oute', a female thief's 'tetys shall be kyt [cut] at Chalcrosse'. Under Canute (1016) an adulteress was adjudged to have her nose and ears cut off while the man was sent into exile. From the reign of William the Conqueror onward mutilation and blinding were the penalties for an assortment of crimes. In Good Queen Bess's time the old Custumal of Hastings contained a special section dealing with cutpurses or anyone caught with money taken from a purse: for a first offence the offender lost one ear; for a second the other ear; and since nature has rationed the number of ears, a third offence merited death. Under Elizabeth too, prostitutes could not only lose their ears, but also have their noses slit, a punishment which continued into the eighteenth century. In much earlier times, according to Giles Jacob's *New Law Dictionary* (1752), some prostitutes were even treated to *subnervare* – hamstringing – cutting the sinews of their legs or thighs.

Most societies paid lip-service to the duty of protecting the interests and honour of their womenfolk, but as man came to regard woman as his property – an untrustworthy one at that – he felt his own

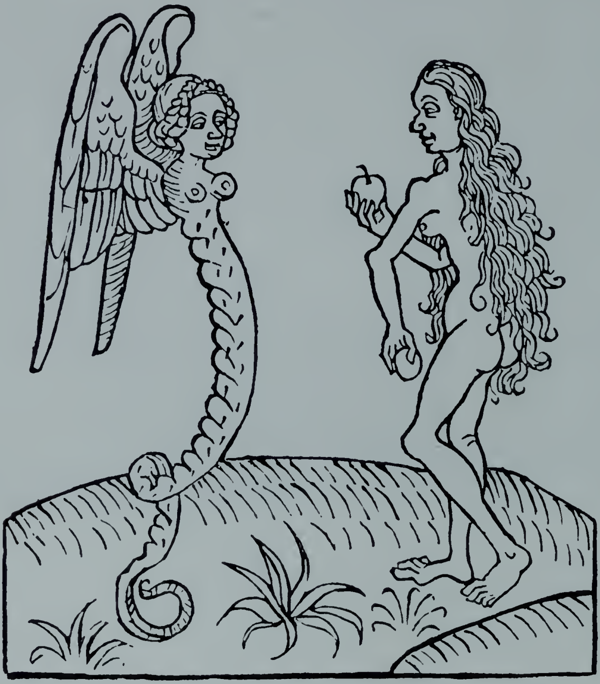


Hogarth's Harlot's Progress, *1735. Bridewell as it really was. The jailer watches the women beating hemp until their hands are flayed. One woman is pinned into the wall pillory. A bawd, with her nose slit, enjoys the discomfiture of the newcomer who is being threatened with leg irons, while another prisoner begins to strip her of her finery and good clothes.*

interests and honour impugned by any frailty in her behaviour. If she was devalued in other people's eyes then she was not worthy of his consideration. In ancient Athens a father could sell his daughter into slavery if she lost her virginity. Great passion for a woman was frequently accompanied by profound mistrust: Othello choosing to believe Iago's lies and murder Desdemona rather than discover the truth from her is compelling drama, but does suggest that any man who loves one of these flawed creatures too deeply feels he risks too much.

Even the victim of lust might be suspected of having enticed her attacker by being female. That she inspired desire was her fault. The early Christian ascetics – who went into the desert to mortify their flesh – complained bitterly about how they were tormented by lascivious female demons. They were convinced the fantasies, products of their own suppressed urges, proved the wickedness and instability of womankind.

Once the concept of womanhood became depreciated it was easy to believe her potentially capable of any misdeed, so that it was only just that she should be subdued and punished for inciting men to be less than perfect. Courts often accepted extenuating circumstances for male rapacity, with the sufferings of their victims discounted or denied. 'A female who is not fallible is not female' is one in a long tradition of pejorative maxims about women; the more repeated the more such become unquestioned strands of everyday philosophy accepted by women as well as men.



Eve and the Serpent, c. *1400. Meister der Hausbuch.*
From Godfey Higgins, Anacalypais, *1836.*

At an early age boys at Tudor schools were inculcated with a sniggering contempt for women through their study of Latin. From seven to sixteen, the sons of middle-class gentlemen were crammed in preparation for university where subjects were taught in Latin; how better for small boys to absorb this classic tongue than learning by rote words and phrases of scatological and sexual interest. The books of *Vulgaria* dating around the early sixteenth century contain such valuable snippets as:

> It ys the properti of a woman to use scouldynge.
> Shee ys chefe rynge-leder of al dronken goseppes.
> Shee ys an excedynge stronge hore.
> Hee hath defloured manie women.
> She lyveth by baudry.
> Unclene women shewe out theyr brestes.
> She is a lady of great kin but a strong whore.

The gradual denigration of women fashioned them into a criminal class defined by gender. Before the reader protests 'nowadays nobody believes women are morally inferior', we quote an Old Bailey judge in the 1970s, 'It is well known that women in particular and small boys are liable to be untruthful and invent stories'. If learned gentlemen can still make such generalizations – albeit jocularly – then the conditioning to regard women as less trustworthy remains entrenched in our own time.

Although Jewish law regulated every aspect of life it never postulated that women by their nature were more prone to evil than men. God had created both male and female on the sixth day, providing Adam with Eve as a helpmeet because, 'It is not good that man shall be alone'. With the coming of Christianity and the concept of 'original sin' women were forced into an untenable situation. On one side was the epitome of purity, the Virgin Mary – the mother of God; on the other side stood the mother of all life, Eve, on whom was blamed man's downfall. It was almost impossible to trace the Virgin's perfection in mortal woman but simple to find in her Eve's fallibility.

St Ambrose (*c*. AD 340–97) sternly summed up an early Christian viewpoint of female status:

> Adam was led to sin by Eve and not Eve by Adam. It is just and right that woman accept as lord and master him whom she led to sin.

This philosophy which lowered women elevated men by implying they were wiser, more upright and entitled to rule over the less righteous.

St Paul's *Epistle to the Corinthians* set the standard for female behaviour:

> If they will learn any thing, let them ask their husbands at home; for it is shame for women to speak in the church.

By these teachings the average woman was excluded from public life and confined to a narrow path. Any departure from it was abnormal, tending towards the criminal, and merited punishment.

When Christian hierarchy decided that souls counted more than the well-being of women and children, saving life became relatively unimportant. Better death than damnation. It was a medieval masculine brain that devised an inter-uterine device for baptizing an unborn child which lack of skill prevented from being delivered alive.

In the thirteenth century the great theologian, St Thomas Aquinas, explained the essential flaw in every woman. She was:

> defective and misbegotten, for the active force in the male seed tends to the production of a perfect likeness in the masculine sex; while the production of woman is due to a weakness in the generative force of imperfections in the pre-existing matter or even from some external influences, for example the humid winds from the south.

Bad news for all who fathered daughters!

Male attitudes towards this misbegotten creature reflected society's double standards. At one level the concept of womanhood was pure and holy, inspiring men to chivalry; at the other lay a fundamental disrespect for womanhood. Because she aroused men sexually she was polluted and legitimate prey. That a man can impose his will on a woman through rape tells us little about sex but much about male domination and female subordination.

In the thirteenth century judges would dismiss a charge of rape brought by a woman if she conceived as a result. According to medieval understanding of woman's physiology, she needed to secrete a certain seed to conceive, and this did not occur unless she was sexually satisfied. Pregnancy meant she had enjoyed the rape and therefore had no right to press charges.

Were the victim to be the wife of the rapist then as Sir Matthew Hale's *Pleas of the Crown* (published in 1736, fifty years after his death) attests, the husband 'cannot be guilty of rape committed by himself upon his lawful wife, for by their mutual matrimonial consent and contract the wife hath given up herself in this kind unto her husband which she cannot retract.' Surprisingly, 3,000 years earlier, Hammurabi's code was more humane: if a woman hated her husband enough to declare 'you may not have me', so long as she was not at fault she was free to return to her father's house with her dowry and without incurring any blame.

However, the ideal woman preferred gruesome martyrdom to marriage. St Agnes, patron saint of young virgins, vowed her body was consecrated to Christ and, according to conflicting accounts, suffered death by burning, beheading or stabbing. She was reputed to have told her executioner: 'Do not delay. This body draws from some a kind of admiration that I hate. Let it perish.' Such remarkable females found extreme means to make themselves undesirable: the beautiful St Agatha, who welcomed her breasts being cut off, also prayed successfully to grow a beard. These apocryphal words and deeds help remove the responsibility of carnal desire from men and locate the blame on women.

Although the medieval world extolled virginity and liberality to religious houses, such sanctuaries were not necessarily free from violence. After a visit to the priory of Rothwell, the diocesan bishop of Lincoln reported how persons unknown had broken into a remote nunnery, and raped a laywoman residing there. The nuns who tried to intervene were cast to the ground, trampled and kicked.

Many men seemed unable to comprehend why rape so upset women, excusing themselves on the grounds that a woman was dressed provocatively and therefore 'asking for it', a belief echoed by rapists through the ages, and modern law courts. 'I am not saying that a girl hitching home late at night should not be protected by the law, but she was guilty of a great deal of contributory negligence', stated Judge Bertrand Richards at Ipswich in 1982.

> When men complain of beauty and say that 'women's dressings and attire are provocations to wantoness and baits to allure men', it is a direct means to know of what disposition they are. It is a shame for men in censuring of women to condemn themselves.

wrote Ester Sowernam in *Ester hath hang'd Haman: an answere to a lewd Pamphlet entituled [sic] The Arraignment of Women* (1617). She was one of the few brave female pamphleteers to refute the wholesale denigration of her sex in an age when any woman offering an opinion would be called a scold.

The majesty of English law could do more than ridicule the woman society dubbed a scold: it could whip her, pinion her in a pillory or thew, clamp her jaws shut with the scold's bridle, or, as it had been doing even before the Domesday Book was compiled, duck her. Popular seventeenth-century almanacs, containing advice by physicians as well as astrologers, seriously defended the use of the ducking-stool, apparently with legal approval. In the eighteenth century Sir William Blackstone stated:

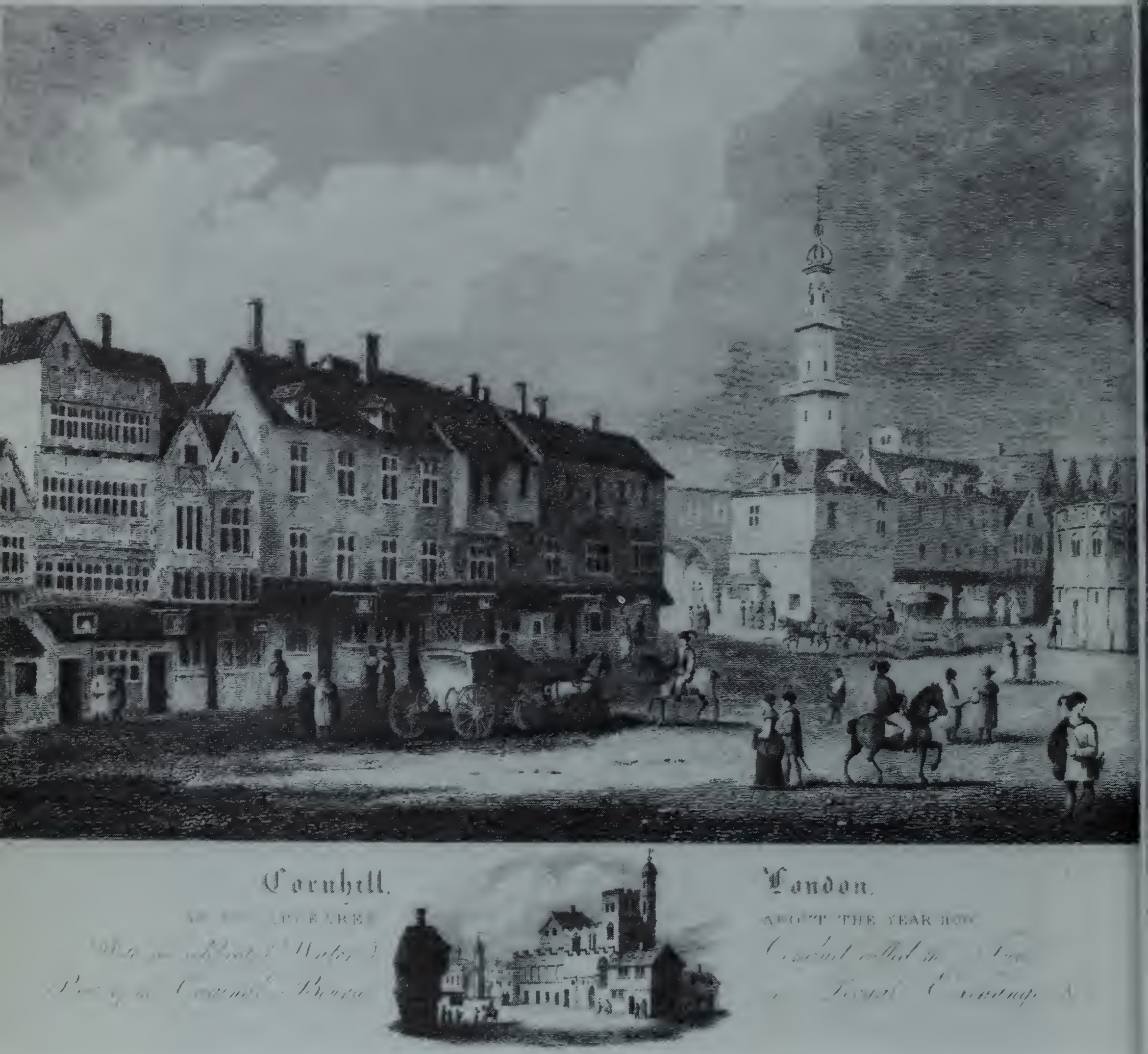
> A *communis rixatrix* – the common scold – is a public nuisance to her neighbourhood . . . for which offense she shall be placed on the *trebucket* or scolding-stool, now frequently corrupted into *ducking-stool* because when she is placed therein she shall be plunged in water . . .

Apparatus for the immersion of a scold was part of the social fabric of towns and villages. Leominster, Herefordshire, in 1809 witnessed the last woman in England to be given this cold water treatment. In 1824 in Philadelphia, USA, the Supreme Court ruled that ducking for scolding was obsolete and contrary to the justice of the age. This was fortunate for Mrs Mary Bradley who in October 1889 was indicted as a common scold, still an offence in New Jersey where it had not been specifically abolished when revised laws were adopted.

Female utterances, especially if accompanied by great conviction, were particularly deplored, as the brave band of Quaker women discovered when they preached in public in the seventeenth century. Whether of tender or advanced years, humiliation, imprisonment and flogging were the fate they shared with the meanest felons.

Just as England transported settlers and criminals to its colonies so it exported its harsh treatment of women. In New England in the mid-seventeenth century, that remarkable English Quaker woman 'old' Elizabeth Hooton (she was over sixty by then) was imprisoned for her preaching in a noisome dungeon for two nights before being sentenced to be whipped through three towns and expelled from the colony. At Cambridge (Mass.) she was tied to the whipping-post and flogged ten times with a three-stringed, triple-knotted whip; at Watertown she was beaten with willow rods; at Dedham she was given ten lashes at the cart-tail. From thence she was taken into the wilderness and left 'where they were many wolves, bears and other wild beasts, and many deep waters to pass through'.

Women's physical frailty in no way excused their moral weakness. While nature requires man and woman to create a child, the shame of bearing one out of wedlock was exclusively the female's. A fatherless babe was not viewed as the result of seduction or rape or even a couple



The Tun in Cornhylle – *a principal thoroughfare – built in 1281 by the mayor, Henry Walleis, for holding* nyghtwalkers *and* myslvvers *overnight until next morning, when they would be imprisoned or ejected from the city. The stocks were nearby. In 1401 it was converted into a conduit or cistern for the supply of water from the springs near Tyburn.*

mutually yielding to temptation, but as yet another example of female turpitude.

Bastardy was an offence, and after 1641 one usually dealt with at the quarter-sessions when offenders would be whipped or sent to a *House of Correccion*. The plight of pregnant unmarried girls could be as parlous as that of any lawbreaker (and remained so through the first half of the twentieth century). When Robert Cribb, Constable of the Hundred of

Martock, Somerset, impregnated Ann Bishop, he 'demanded that she name Arthur Pulman as the father of the child otherwise he would have her whipt to the Bone . . . and laid out in a gaol until she did rot'. She dared not remain in the area, since the poor-law or Vagrants Act compelled her to keep moving on.

Women in such circumstances, along with those many who could find little paid work, were forced by economic pressures into prostitution and therefore crime, so reinforcing the tarnished image of womanhood.

The more subjugated the women the more apprehensive seemed men of female intrigues, with husbands dreading some subtle revenge in the form of adultery or murder. Marital intercourse was a duty for the procreation of children, and also demonstrated wifely submission. However, even here danger lurked: any man demonstrating love for his wife too frequently could be accused of fornication. Society was inclined to believe that the physically and morally weaker woman was capable of resorting to the most pernicious wiles to secure her desires. As most women were confined to the home, where better to practise this mischief than in the kitchen? While ostensibly doing the cooking a wife might prepare special dishes to control her spouse's sexuality. Bouchard, Bishop of Worms, in his *Decretum* written between 1007 and 1012, described how women anointed their bodies with honey and then rolled in flour using the mixture to make cakes to cool the ardour of an over-passionate husband and thereby prevent unwanted pregnancies.

Since, as every male knew, women were insatiable, the good bishop explained that many a woman employed ruses to inflame her spouse's desire, to which the moral reactions must be sterner since men were dogged by anxiety about inadequate sexual performance and themselves resorted to magic potions to enhance prowess. For any wife kneading dough with her bare buttocks the Church imposed a penalty of two years abstinence; five years for putting menstrual blood in her husband's ale; and seven for making a potion with his sperm.

Churchmen regarded woman as 'a secret and wheedling enemy'. Among questions to the female confessant compiled in the eleventh century – and included in later manuals for confessors – were many pertaining to sex which provide a bizarre insight into the medieval monkish mind. In addition to inquiries as to whether a woman used contraceptive methods or had procured an abortion, there were those relating to sexual deviations: had she engaged in lesbian relations, had she stimulated her vagina with the aid of phallus-shaped objects, had she copulated with beasts?

Sometimes even the most noble lady had to go to extreme lengths to prove her honour. In 1002 Aethelred the Unready took as his second wife Emma, the handsome but forthright sister of the Duke of Normandy; their son was Edward the Confessor. When Aethelred died in 1016 and Canute became king of all England he married Emma. There ensued some suspicion of the queen's chastity which she vigorously protested, and to uphold her innocence she underwent the ordeal by fire reserved for the nobly born. Such an ordeal accompanying a plea of 'not guilty' continued until the reign of Henry II, and involved passing barefoot and blindfold over nine glowing ploughshares, or carrying burning irons of 1 lb or 2 lbs weight. Judgement rested on whether or not the individual showed wounds three days after the ordeal. Doubtless, someone of Emma's rank could ensure the heat was bearable.

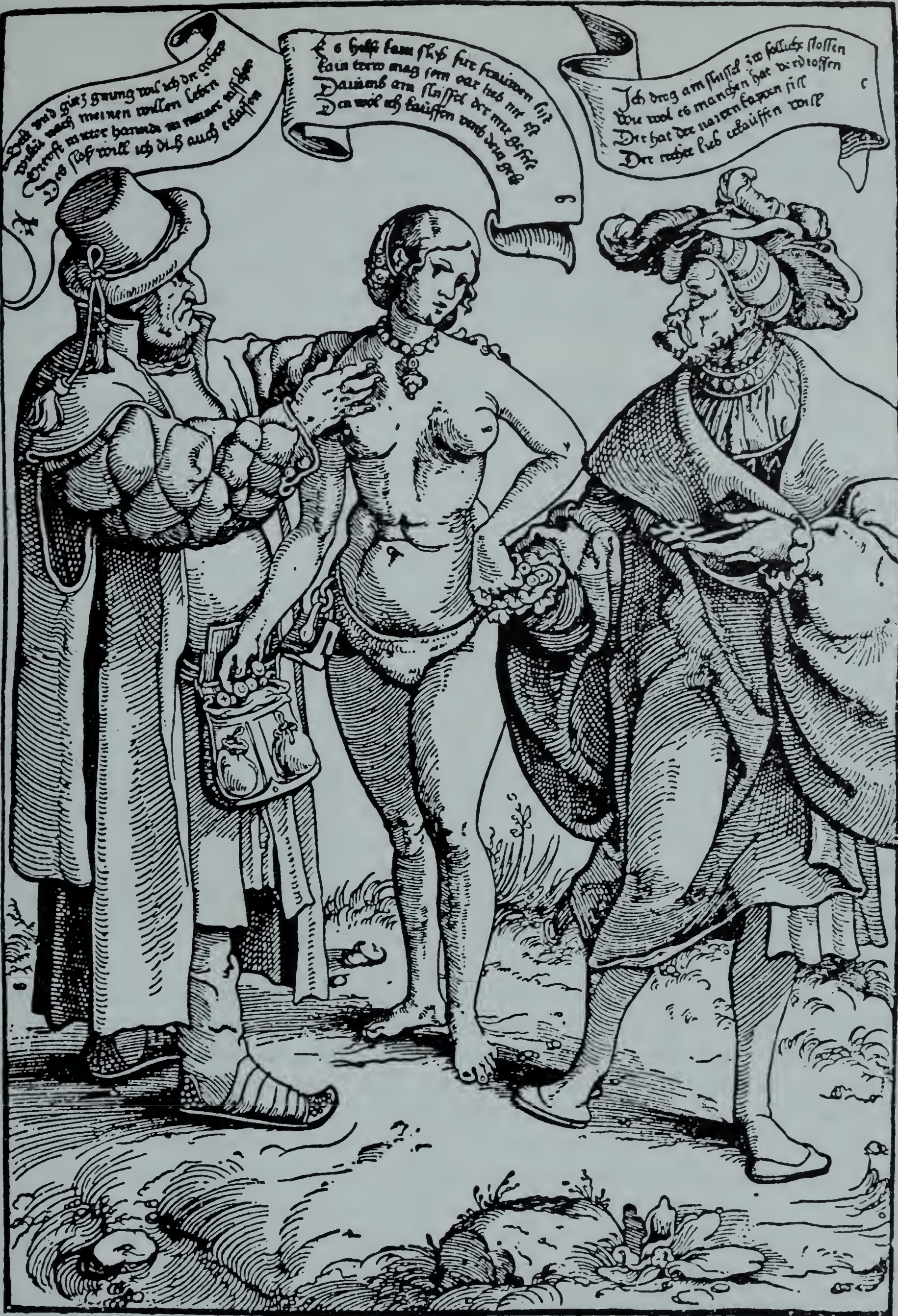
Until the close of the twelfth century most marriages were not solemnized or regulated by the Church. Under the laws of the first Christian king of Kent (Ethelbert) a bride was transferred for money or cattle. If a wife proved unfaithful to her owner the adulterer was compelled to expend the equivalent of her original price in the purchase of a new bride, whom he formally delivered to the deceived husband.

Church policy was to persuade mankind that only a religious bond or sacrament accompanied by a priest's blessing could render cohabitation inoffensive in the eyes of God, and that a wife was not to be regarded in quite the same light as sheep or cattle. Despite such teachings some husbands were prepared to go to extreme lengths to prevent the 'little woman' from straying. Perhaps the most grotesque example of male domination was the invention of the girdle of chastity, a device by which a husband could lock away his wife's genitalia and guarantee his sexual ownership, although he could do very little to contain her thoughts.

As late as 1910 in France the chastity belt was still being manufactured and marketed as an *appareil gardien de la fidelite des femmes*. Prices ranged from Fr. 189, and a model described as '*tres soigné*', made with silver, cost Fr. 320. *L'Affaire Parat* in Paris demonstrated how the belt was in current use for 'M. Jean, Parat, le pharmacien tortionnaire' had decked his wife with chains about her middle, causing the French press to demand 'Which is the bigger fool? The inventor or he who has use for it?'

This product of male jealousy has mythological origins. In the *Odyssey* when Aphrodite, goddess of love, cuckolds her husband, Hephaestus the smith, with his brother Ares, god of war, Hephaestus forged an 'iron girdle' to inhibit his charming lady from further peccadilloes. The girdle probably derives from the ancient eastern custom of infibulation, the sewing together of the labia majora of the vulva, a barbarous practice still performed on women in certain cultures. The girdle of chastity was introduced into Europe in the twelfth or thirteenth century by the Crusaders returning from their travels. However finely decorated, the basic design was a leather or chain mail belt holding a metal plate over the pudenda with vulval and anal openings to allow for urination and defecation. When a female skeleton, dating back to around 1600, was discovered in Upper Austria in 1889, its pelvic bones 'were surrounded by an iron hoop with two small locks, with plates front and rear, padded with silken fabric.' Even in death some women were not to be trusted.

Wherever the girdle of chastity existed, tales of obliging locksmiths and duplicate keys abounded, but the light-hearted phrase 'love laughs at locksmiths' in no way exonerates the husbands who employed this instrument of humiliation and control if not of actual punishment. Although the chastity belt


Gelt vnd gůtz genung wil ich dir geben
wiltu nach meinen willen leben
Greifft mir hannda in meine taſchen
Das ſchloß will ich dich auch erlaſſen
Es hilfft kain ſchloß fur frauwen liſt
kain trew mag ſein dar lieb nit iſt
Darumb ain ſliſſel der mir gefelt
Den wil ich kauffen vmb dein gelt
Ich drag ain ſliſſel zu ſollichs ſloſſen
Wie wol es manchen hat verdroſſen
Der hat der narren kappen vil
Der recht lieb erkauffen will

The Girdle of Chastity, c. *1540, Germany. An elderly husband has fitted a chastity belt on his wife, who is shown with her lover. The engraving is thought to be by Hans Baldung. The husband* (on the left) *is saying: Money and goods I will give thee if only thou wilt live according to my wishes. Put thy hand in my pocket; moreover I will let thee off the lock. The wife is saying: No lock prevails against a woman's cunning. There is no fidelity here where there is no love. Therefore I will buy with your money the key which I lack. The lover says: I carry a key for such locks. He who has to bribe for love has a dunce's cap on his head. (Which is a double-entendre – his 'key' being his penis.)*

was a feature in most European countries it was never widely used in England. It was certainly known in Scotland, possibly a souvenir of the alliance between the Scots and the French. Around 1530 that doughty cynic Sir David Lindsay of the Mount mentions it in no uncertain terms in his *Proclamation of the Play*. After a dance, an elderly husband puts the key of his wife's chastity belt under the pillow and falls asleep, whereupon young Bessie welcomes her paramour with the disappointing news to which he disgustedly rejoins

> Thinks he not shame, that beggarly blunt
> to put a lock upon thy cunt

But the resourceful Bessie removes the key from under her spouse's pillow and returns it before he awakes. How widespread the use of the chastity belt in Scotland is uncertain, but as late as 1848 Dr John Moodie of Edinburgh was strongly advocating it as a protection against seduction . . . so long as the key was kept safe.

Whether or not most women realized or welcomed it, their sexuality, termed a failing, gave them transient power over men who resented being so affected by those they dominated. No wonder many learned brains were cudgelled to find ways of controlling women's sexuality, based on what men thought to be normal. In the nineteenth century female masturbation was considered with abhorrence. In an effort to prevent and punish this 'unnatural practice' some medical pundits fitted contraptions of fine wire mesh, resembling the girdle of chastity; others went further and practised clitoridectomy. In the United States in 1872 excision of the ovaries was recommended not only for curing masturbation but also 'for suicidal or erotic tendencies, over eating, and simple female cussedness.'

On Englishwomen rested the guilt, and criminality, for the negative aspects of sex including the spreading of venereal diseases. From 1864 a system for licensing brothels and dragooning prostitutes came into being in military and naval centres. The Contagious Diseases Acts, enshrining society's double standards of morality, put women, especially of the working-classes, in a 'Catch 22' situation. All women living within certain areas were liable, on police allegation, to be declared 'common prostitutes'; as such they had to undergo periodical medical inspection. Refusal to submit was punishable by repeated terms of imprisonment. Acquiescence, however, meant total loss of reputation. Authority took the view that examination was necessary to check the risk of venereal diseases. Although the rule applied only to women it was assumed that where it was enforced the 'sexual immorality', considered essential for soldiers and sailors, might be considered 'safe'. Only after a crusade, led by the redoubtable Josephine Butler, were the humiliating Contagious Diseases Acts repealed in 1886, and one shackle for criminalizing women broken.

Public acts of degradation and cruelty are common means of demonstrating power. For centuries, watching others suffer humiliation, pain and death was a thrilling form of mass entertainment. Where life was short and brutish, and cruelty commonplace, however harrowing a punishment is to modern minds, most of those who lived in other ages would not share our revulsion. While Englishwomen were publicly whipped for a variety of petty crimes, few would have been outraged by a man beating his wife, believing in his natural right to chastise her. Had not Martin Luther, the champion of Protestantism, in his *Vindication of Married Life* reiterated man's superiority over woman?

> Woman is a stupid vessel over whom man must always hold power, for the man is higher and better than she; for the regiment and dominion belong to man as the head and master of the house . . .

The harsh treatment of women is not peculiar to any one society although certain gruesome punishments – such as tying a woman's limbs to four horses so that she was literally torn apart as they galloped away – never reached Britain. But, that other antique torture, crucifixion, was alleged to have been perpetrated by Cromwell's troops during the Civil War near Rugby in Leicestershire. According to one account:

> Agnes Griffin was nailed to a tree by hand and foot, having wounds on her head and her body cut and being forced to eat her own flesh and drink her own blood by the rebels . . . she was crippled . . . the justices gave her four shillings and a certificate to go from place to place soliciting alms . . .

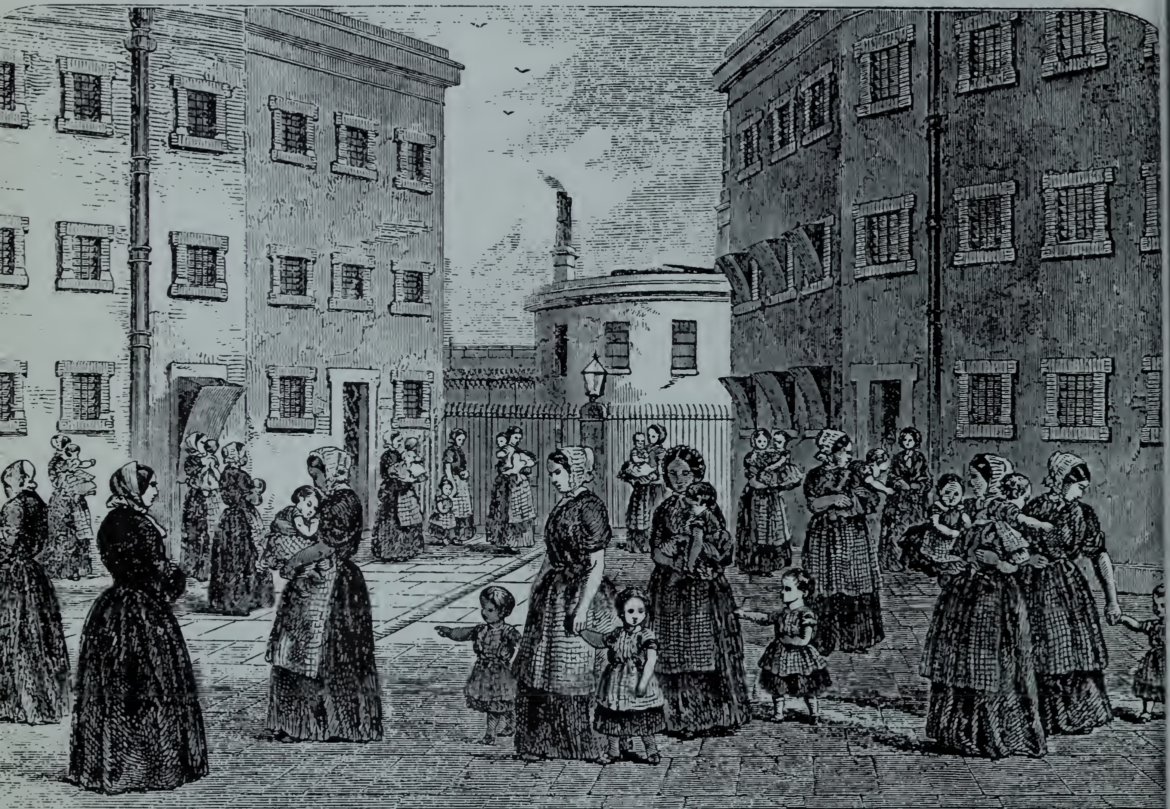
However, as far as is known, this island cannot boast of having invented any original punishment. Rather it adapted measures introduced by successive invading cultures, adding refinements according to the ingenuity of those in authority.

No matter how appalling the penalties, crime flourished largely as a product of social circumstances. Laws were made by male members of the ruling classes with little conception of or interest in the disadvantaged lives led by those on the lowest rung of the human ladder.

This book provides only a selection of the crimes and punishments of women and does not claim that all who suffered were fundamentally saints or victims of cruel masculine repression. However, many of those punished were completely innocent: butts of religious, political or superstitious persecution and social prejudice. The hapless women hanged as witches in England and the American Colonies, often on the accusations of delinquent adolescents, were usually guilty of nothing but being old, ugly, eccentric and female. Then, as now, a woman's offence could stem from extenuating circumstances. On St Valentine's Day 1329, Matilda, a peasant widow, tried to commit suicide by throwing herself into a water-filled ditch. Although rescued by her neighbours, Matilda went home to kill her three children. Infanticide was frequently caused by insanity, acute depression or was a despairing attempt to conceal the outcome of what society dubbed a shameful crime.

For a majority of guilty women, there would have been no alternative to crime: destitution, the brutality of a drunken partner, ignorance, mental and physical illness, desperation plus the indifference of society would all have been contributory factors to creating the female offender. Women in Britain – except those in the most exalted class – engaged in similar criminal activities to their menfolk. Prostitutes, regarded as the safety-valve for respectable women's chastity, were 'accepted' if they avoided theft and brawls. Their freedoms and punishments depended on local whims; the city of London was always trying unsuccessfully to transform its patch into one of sober morality by exiling sinful women to extramural 'assigned places'.

Although women's legal rights were limited, they could, regardless of marital status, be sued in the same way as men. Court records show them sued in civil law for non-repayment of debts, violation of contract, the illicit brewing of ale, and the baking of adulterated bread. Female weavers were charged with pawning or selling their customers' good



Mothers, with their children, exercising in the courtyard at Tothill Fields prison, 1820.

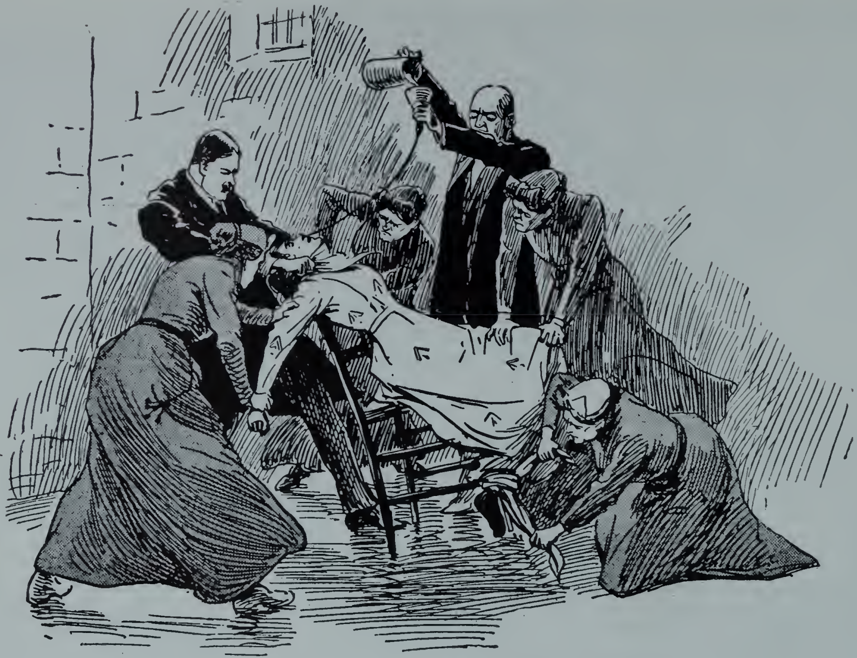
raw silk and weaving cloth from inferior materials.

When it came to women seeking justice they often found the interpretation and application of the law by male lawyers and jurors favoured other men and demonstrated little chivalry to the widowed and fatherless. The woman who brought an action against her husband's murderers but then abandoned it incurred a penalty which corresponded to outlawry in the case of a man: she was waived. A waif equated with a piece of stolen property abandoned by a thief and was owed no consideration under the law, without legal dwelling outside the walls of a prison. Yet this was the fate of any widow rash or brave enough to accuse her husband's murderers in the first tumult of her grief. Either the killers threatened her and her children so that she feared them more than the law and retracted her charges, or she was made to understand that the neighbours so much opposed the proceedings it would be pointless to ask for their verdict as jurors. If a woman proved sufficiently resolute to appear in court, a clever lawyer could by raising endless technical points always exhaust her patience and resources, sometimes even before the jurors were called to pronounce a verdict.

In 1348, during the reign of Edward III, Mazeline le Long brought a case against Walter Eye, a clerk, and others, for the murder of her husband. Eye was tried, and acquitted, and Mistress le Long was committed, and compelled to pay a fine for her release. The appeal against one of the others was then heard, but it was pleaded on his behalf, that as Eye had been acquitted, the accusation against him as an accessory necessarily fell. The court agreed. Again the widow was committed and had to pay a further fine. Two of the other accused failed to appear and were outlawed. Later one of them came to court to explain how being in the army before Calais had prevented him attending the trial. He was bailed, and received a pardon. Widow le Long, despite persistence, bravery and cost, had no satisfaction. Thereafter her life was a nightmare, lived in the knowledge that all her enemies, except one who died in prison, were at liberty to take revenge on her for attempting to punish them for her husband's murder.

'The Colonel's Lady an' Judy O'Grady' might be 'sisters under their skins' but women in authority – queens, rulers of large households, or employers using workhouse girls – were frequently as cruel as men. Either brutality was viewed as one of the trappings of power, or a display of gentleness would demonstrate weakness. Those few women in high positions were not going to rock the social order by showing favour to their hapless sisters.

The half-sister queens Mary and Elizabeth were merciless when it came to punishing women who infringed their religious, political or social codes. The Empress Queen Victoria, during whose reign many reforms to the penal system were made, expressed outrage and total condemnation of women trying to improve their lot by seeking a political voice. When in 1879 Viscountess Frances Amberley spoke in favour of women's suffrage, the queen wrote:



The Government's methods of barbarism, 1910. many suffragettes were forcibly fed in prison.

> The Queen is most anxious to enlist everyone who can speak or write to join in checking this mad, wicked folly of 'Women's Rights', with all its attendant horrors on which her poor feeble sex is bent, forgetting every sense of womanly feeling and propriety. Lady Amberley ought to get a good whipping. Woman would become the most hateful heartless and disgusting of human beings where she allowed to unsex herself; and where would be the protection which man was intended to give the weaker sex?

Alas, when it came to punishment, the protection of the weaker sex by man seemed singularly lacking, and being 'weaker' delivered women into the hands of some of the most 'hateful, heartless and disgusting of human beings' who were male. No wonder some women from all classes were 'wild' enough to demand 'Rights'. According to Brewer's *Dictionary of Phrase and Fable,* first published in the nineteenth century, 'Wild Women' were:

> Those who go in for 'women's rights' and general topsyturvyism. Some smoke cigars in the streets, some wear knickerbockers, some stump the country as 'screaming orators', all try to be as much like men as possible.'

In 1910 Dr Max Baff, a professor of psychology, offered an explanation for this wildness:

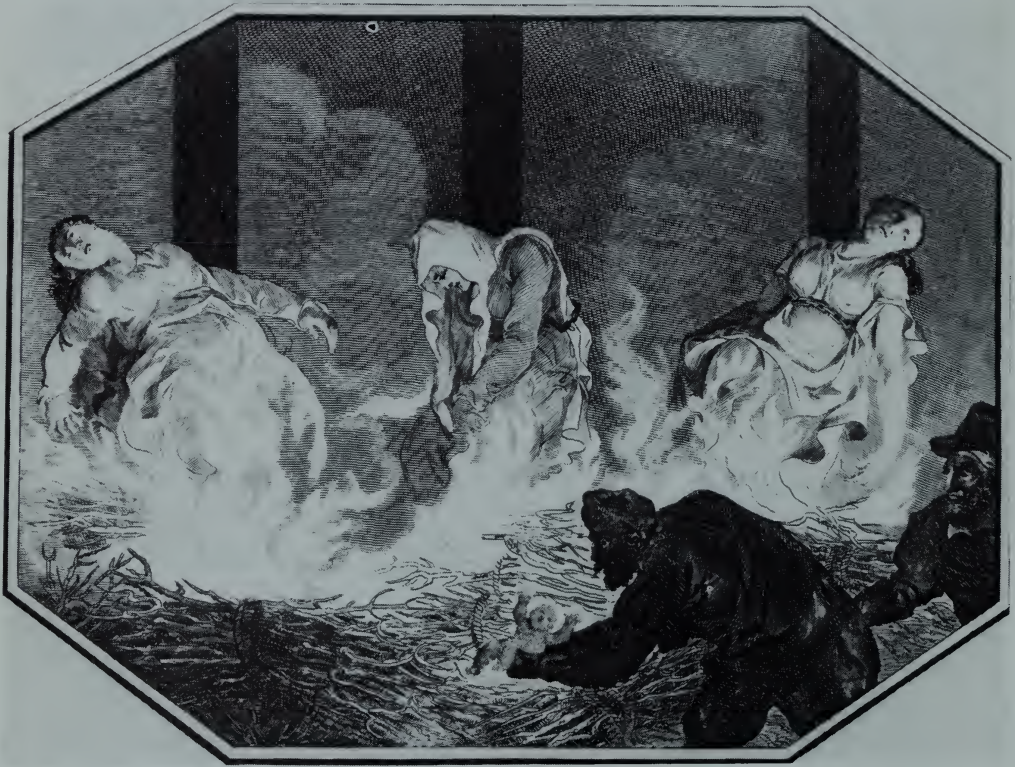
> all women are fundamentally savage, and the suffragist movement is

> simply an outbreak of emotional insanity. It is emotional excitement that moves the suffragist to talk at street corners, create disturbances, wrestle with the police.

Stifling women's protest and opinion with the scold's bridle or other means of public ridicule ceased to be acceptable to twentieth-century society, so in 1913 Parliament resorted to the Prisoners (Temporary Discharge for Ill-Health) Act. This Act regulated the treatment of one category of prisoner: the suffragette, and enabled her to be released on 'a ticket of leave' as soon as a hunger strike endangered her life. Since forcible feeding had provoked widespread indignation the authorities could claim this act was one of humanity. It was precisely the opposite. Once the 'ticket of leave woman' was sufficiently recovered she was rearrested to resume her sentence.

Despite the right to vote, and the laws relating to sex discrimination and equal pay, women's lives are still not equal. None the less, if they break the law women will not have to suffer the savage cruelties which this book relates.

2 Burning and Drowning Through Fire and Water



Kathleen Cauches and her two daughters are burnt, 1556. 'One being pregnant is delivered in the flames, her new-born baby is thrust alive into the fire'. From Foxe's Book of Martyrs

Fire and water, those elements necessary for civilizations' survival and comfort, have from the beginning of recorded time been used by those same civilizations to punish and destroy.

Casting an accused woman in the water either to drown or to test her innocence is an ancient practice. Earliest references emanate from the land of two mighty rivers, the Tigris and the Euphrates. According to the Code of Hammurabi, adultery counted as 'trespass against a husband's property'; although the deceived husband could either condone the act or accept compensation, a couple caught *in flagrante delicto* were drowned in the river with their hands bound.

If the evidence was disputed the king appointed an official to oversee the trial or ordeal (the *hursana*) 'by the river', its basis being 'let them come up from the water'. The suspects were 'to leap into the river' where the river god would decide their fate: the guilty would drown, but the innocent float. Presumably neither could swim! Later Assyrian Semitic laws transposed proof: it was the innocent who sank (to be pulled out of the river by following boatmen), and the guilty who floated, no doubt assisted by whatever evil power they worshipped. Since guilty adulterers were *cast* into the water a clear distinction was made between cast or allowed to leap in.

Adultery was not the only drowning offence. If any female owner of a wineshop 'accepts a payment in silver instead of the authorized measure of barley' she was to be tried by a judge and then 'drowned in the river'. This was the Code's attempt to prevent the subterfuge of purchasing drinks or special services – wineshops were also brothels – with silver, which was cheaper, rather than with the then legal currency of barley.

Although Christian teachings scarcely sanctioned drowning as a punishment, the earliest record in England, dating back to 924, has Church connections. When Archbishop Dunstan's rapacious father swindled a poor widow and her son out of their small property, and formal application to Christian authority failed to right this wrong, the old woman reverted to the pagan method of sticking pins into an effigy of her oppressor to cause his death. Alas, old-time magic also failed her, and 'she was bound hand and foot and drowned off Lunden brigg' while her son was hanged for his temerity in claiming his own property.

However, death by drowning has never been authorized by any statute in England, although it was implicit in certain rights and privileges granted to barons by Norman kings, possibly based upon Saxon sac and soc giving the recipient the power of judgement over all persons within his district of jurisdiction. In the Anglo-Saxon laws of King Athelstan, who reigned from 925 to 940, a female thief, if a freewoman, was to be thrown down a precipice or drowned. Under the rule of Edward the Confessor (1042–66) ordeal by water became a general test for all crimes, sinking establishing innocence.

In 1219 under Henry III this water judgement was abolished, yet it continued unofficially for many centuries, so that in remote districts where the king's writ was often ignored men and women still met this watery death. On 16 April 1533 Janet Anderson was drowned, having been convicted of burning down a cow-byre containing sixty oxen and eleven cows. The penalty was described as 'an ordinary punishment for females for crimes of lesser magnitude'.

By about 1600 this punishment was more or less obsolete except in Scotland. In 1636 at Haddington a band of gypsies was rounded up, the men hanged and the women drowned apart from those with children.

These were extended the mercy of being scourged through the town, branded on the cheeks and then thrust on to the road again. Eight years earlier in January 1628, eleven other gypsy women, eight of whose husbands had already been hanged on the 24th, encountered one of those curious turns of fate. All 'were sentenced to be drowned but respited and in March their sentences were commuted to transportation beyond the seas . . .' Their destination would have been Virginia.

On 25 August 1679 Janet Grant was found guilty of theft in the baronial court of Sir Robert Gordon, of Gordonston, 'and drowned next day in Loch Spynie'. On 11 May 1685 Margaret M'Lachlan, aged sixty-three, and a lass of eighteen, Margaret Wilson, 'were drowned in the waters of Blednoch for denying that James VII of Scotland was entitled to rule the church according to his pleasure'.

Despite abolition, ordeal by water persisted into the eighteenth century. 'Swimming a witch' was popularly held to be an adequate test for guilt where witchcraft was suspected. Here was a distant echo of an Assyrian law where alleged witches were cast into the sea with their hands bound over their shoulders and a heavy stone tied to their backs. If they sank they were pulled out and adjudged innocent. It is hard to believe many were found guilty; anyone who did float must have possessed remarkable powers.

King James I, the author of *Demonology* by which he intended to resolve the doubts of any who questioned the existence of witchcraft, would not have contested Assyrian reasoning since he wrote:

> So it appears that God hath appointed, for a supernatural sign of the monstrous impiety of the witches, that the water shall refuse to receive them in her bosom, that have shaken off them the sacred water of baptism and willfully refused the benefit thereof . . .

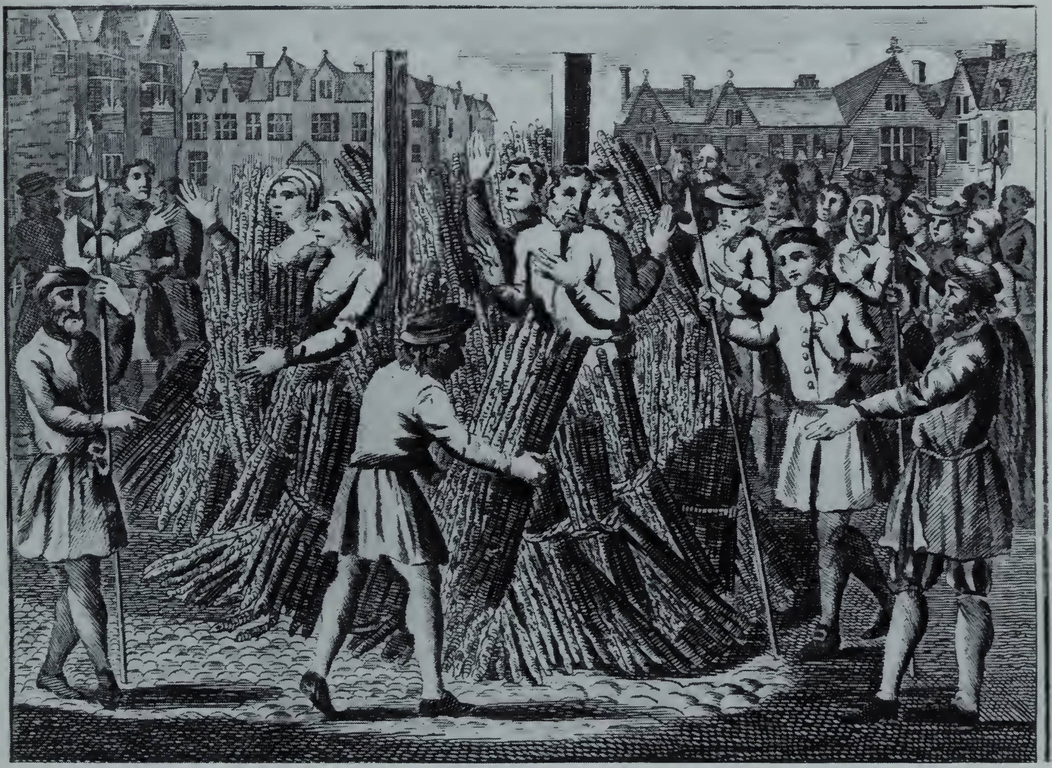
Not all seventeenth-century minds were so irrationally inclined. Writing in 1656 Thomas Ady in his work *A Candle in the Dark*, or 'a Treatise concerning the nature of witches and witchcraft: being advice to the judges, sheriffs, justices of the peace and grandjurymen what to do before they pass sentence on such as are arraigned for their lives as witches', bravely attacked the contemporary delusions about witchcraft, and also pointed out there was no biblical basis for ordering a witch to be tried by sinking or swimming. Cannily, he explained how laying victims 'flat on the back and [holding] up their feet with a string' would ensure 'their forepart will not sink' so evidence of a woman's guilt might be fabricated by her accusers.

1717 witnessed the final official use of 'swimming' as evidence in an English trial at Leicester where both the accused, a mother and daughter 'swam like a cork, a piece of paper, or an empty barrel, though they strove all they could to sink.' This case ignored the prohibition of the Chief Justice, Lord Parker who in 1712 gave:

> all men warning that if any dare for the future to make use of that experiment, and the party lose her life by it, all they that were cause of it

> are guilty of willful murder . . . neither King James's book nor all other precedents will save them from an halter.

Despite Lord Parker's stern injunction 'swimming', especially of the defenceless, remained an adjunct of the mob taking the law into its own hands. In 1751 Ruth Osborne and her husband, being old, poor and supporters of the Stuart rebellion of 1745, were regarded as witches and held responsible for any local misadventure. When Farmer Butterfield's cow died he blamed it on a spell cast by Mother Osborne because he had refused her request for buttermilk. To elude this magic Butterfield sold his farm and opened a tavern at Gubblecot. The venture was unsuccessful, and Butterfield began to suffer fits: such facts confirming his bewitchment. Rumour spread among three market-towns that suspected witches were to be 'swum' in a stream at Longmarston. Although local officials took the Osbornes into the workhouse for their protection, on 22 April 1751 the mob, led by Thomas Colley a chimney-sweep, tracked down the aged couple. They were stripped, bound crosswise hand to foot, and dragged two miles to the stream and thrown in. Seventy-year-old Mrs Osborne, tied up in a sheet, floated, while Colley poked and prodded her. Eventually she was 'thrown quite



The martyrdom of T. Loseby, T. Thirtell, Margaret Hide and Agnes Stanley, in Smithfield, 1557. From Foxe's Book of Martyrs.

naked on the bank almost choked with mud, and expired in a few minutes, being kicked and beaten with sticks after she was dead.' Her husband died some time later of similar abuse. There is scant satisfaction in reporting that at Hertford assizes Colley, the mob's hero, was found guilty of wilful murder and hanged in chains on Saturday 24 August 1751.

Yet not everyone dreaded a 'swimming'. In Northampton in 1785 Sarah Bradshaw, popularly believed to be a witch, begged to be swum . . . and, fortunately, sank.

Hammurabi's code also mentions punishment by fire. 'She shall be burnt to death' was the penalty for any member of the *Zer-mashi-tu*, a caste of semi-holy temple priestesses who did not dwell in the temple, if she even entered a wine shop.

To be burnt at the stake under English law was reserved for those women who had committed crimes society considered particularly grievous. For treason and murder women were to be 'beheaded or burnt at the stake according to their rank'; although under the tenth-century laws of King Athelstan a female slave who had stolen from any but her own master was put to the flames, and eighty other female slaves ordered to attend, each bearing a log to build the fire.

The executions of women best remembered from history lessons are the beheadings of Henry VIII's second and fifth wives: Anne Boleyn and Catherine Howard. Their offence, no doubt considered as treason by the king, was adultery. On 19 May 1536, Anne Boleyn knelt upright to be executed by a razor-sharp sword wielded horizontally. No block was used because the blade would have struck the block-end first. Six years later on 13 February Catherine Howard was beheaded for 'improper conduct with courtiers and others' together with Jane, Viscountess Rochford, widow of George Boleyn (who had been executed with his sister, Anne).

As a woman's youth and beauty could not soften Henry's heart neither could her age. Accused of high treason by the King, Margaret Pole, Countess of Salisbury, niece of Edward IV, was, without trial or confession, condemned to death. Being of royal blood her head was forfeit.

> On 27 May 1541 this courageous old lady was brought from the prison to the scaffold . . . innocent of the charge, she refused to kneel over the block, saying 'I am no traitor! . . . (although) the executioner told her that it was necessary she turned her head every way bidding him 'if he would have her head, get it off as best he can' . . . so that he was constrained to get it off slovenly.

Henry's two daughters, Mary and Elizabeth, were not averse to beheading women considered a threat to the English throne. Seventeen-year-old Lady Jane Grey was Queen of England for a few days, put there by the Protestant leaders on the death of her cousin Edward VI. She was swiftly removed by the legal claimant, Mary Tudor, and 'sentenced to be burned alive on Tower Hill or beheaded, as the Queen pleases'. It was the queen's pleasure to have Lady Jane beheaded on 12 February 1554. In the nineteenth year of her English imprisonment Mary Queen of Scots was executed on the command of Elizabeth, Queen of England. It took two blows of an unwieldy axe to sever Mary's head.

Although beheading brought death quicker than burning or hanging it was not always mercifully efficient: sometimes the platform boards were slippery making the executioner's aim untrue; sometimes the floor would sway and the axe twist sideways.

The earliest written record of a woman being burnt to death for treason in England is 1444 when Marjorie Jourdemain, also known as Jordan, as well as the Witch of Eye (in Herefordshire), was found guilty of 'high treason against King Henry VI'. Although she had been charged in 1432 with being a witch, such charges were subsequently dropped. Her misfortune was an association with the House of Gloucester, whose political enemies accused Eleanor, Duchess of Gloucester, of using sorcery to secure the crown for her husband. The charges rested on the making of a waxen image of the king, and it was Margery who paid the price for fabricating this manikin.

Petit trahison, first mentioned in a statute of Edward III in 1332, 'that if any servant kill his master, any woman kill her husband . . . this is treason', warranted the penalty of being burnt alive.

Just as today, the number of women then found guilty of murder was far smaller than that of men. According to the Rolls of the Sessions of the Eyres (itinerent Justices) in the counties of Norfolk, Oxford, London, Bedford, Bristol and Kent in the thirteenth century, only 8.6 per cent of the persons accused of murder were women. In fourteenth-century Court Rolls of Norfolk, Yorkshire and Northamptonshire, where most of the defendants were villagers, women accounted for only 7.3 per cent of all those convicted of murder. Of the murders committed within families the highest percentage was by husbands killing wives and wives killing husbands.

The lives of the masses were harsh; womenfolk suffering even more, from constant childbearing and labouring in the fields, and also being subject to violence from brutal husbands. There must have been innumerable occasions when some woman could stand the tyranny no longer; one of the easiest ways to remove her spouse was to poison his food. There were poisonous herbs aplenty in any field, and poisoned husbands aplenty in the records. Not all foreign substances produced the desired results: Anne Whale, who was strangled and then burnt at Horsham in Sussex in 1750, for giving her husband 'bane' obtained from the local apothecary, had first attempted to kill him by dosing his beer with roasted spiders.

Fire was also used to destroy evidence, and the bakehouse seems to have been the favourite receptable for secreting a corpse; it is mentioned in several murder trials of women. At Middleton in Derbyshire Isoult, or Isolda, strangled her husband as he lay sleeping. She carried his body to an oven which adjoined their chamber and piled up a fire to destroy the traces of her guilt. At the last moment her nerve failed. She fled, but her crime was discovered.

Murder frequently arose from an extramarital relationship, where the wife urged the murder on her lover (or vice versa) and sometimes assisted him. In 1422 Katerina of Farnborough was abducted by Richard Eton, an Augustinian friar, who was charged with raping her several times. Three months later, the two joined in killing Katerina's husband, suggesting an illicit affair rather than violation. Although they hid the body in the woods 'murder will out'. Katerina was found guilty and sentenced to be burnt, while Eton, although found equally guilty, pleaded 'benefit of clergy', thereby escaping execution.

This privilege was unavailable to women. Pleading 'benefit of clergy' was open to English clergy on trial in an ecclesiastical court where punishments were less rigorous than in secular courts, and where bishops could not impose the death penalty. A cleric came to be identified as anyone confirmed as being literate by his ability to read aloud the first verse of Psalm 51, the 'neck verse' with which the prisoner saved his neck, and utilized over the centuries by felons who could memorize these few words or – for a payment, of course – be coached beforehand by a needy friar or greedy gaol-keeper. Authority must have realized that some men were getting away with murder while females involved in their crime were being executed, for an act of Henry IV stated no woman was to suffer death for circumstances in which a man could 'plead his clergy'. Time gradually closed this escape route. During the reign of Henry VII an act ensured convicted clerks who had been allowed benefit of clergy were branded on the left thumb with M for murder and T for other offences by the gaoler in open court. This was to prevent anyone claiming benefit of clergy more than once.

Murder did not always need to take place for sentence to be passed. *The Lawes Resolutions of Women's Rights* (a late sixteenth-century compilation) recounts:

> A woman compasseth with her adulterer the death of her husband, they assailed him riding on the highway, beating, wounding, leaving him for dead, and then they fled. The husband got up, levied *hue and cry*, came before the justices, they sent after the offenders, which were gotten, arraigned, and the matter found by verdict, the adulterer was hanged, the woman burned to death, the husband living, the intention being taken for the act.

Not all victims of murder conspiracies were husbands. In 1731 'a foolish young woman' Mary Taylor 'let into the House at dead of Night' her lover George Smith who murdered the woman-owner of The Queens Arms in the High Street, King's Lynn. He was hanged at the gallows at South Gate, and seventeen yards away Mary was burnt at a stake for 'assisting the murderer'.

Among the iniquities attributed to woman was unquenchable lust. If she granted favours outside the marriage bed it might suggest her husband failed to live up to his own boasts of sexual prowess. The law, made and executed by men, might look sympathetically on a husband provoked to murder by his wife's infidelity or nagging, but a woman, however ill-treated by her spouse, could not expect similar compassion.

Non-consummation, consanguinity, a previous contract to marry and impotency could nullify a marriage but divorce was virtually impossible; it was obtainable only with great difficulty, influence and expense, requiring a private Act of Parliament. Nor was adultery alone sufficient grounds for the wife to get her bill through, as it was for a husband. For the majority, only the ecclesiastical form of divorce – that is from bed and from board with no prospect of remarriage – was available.

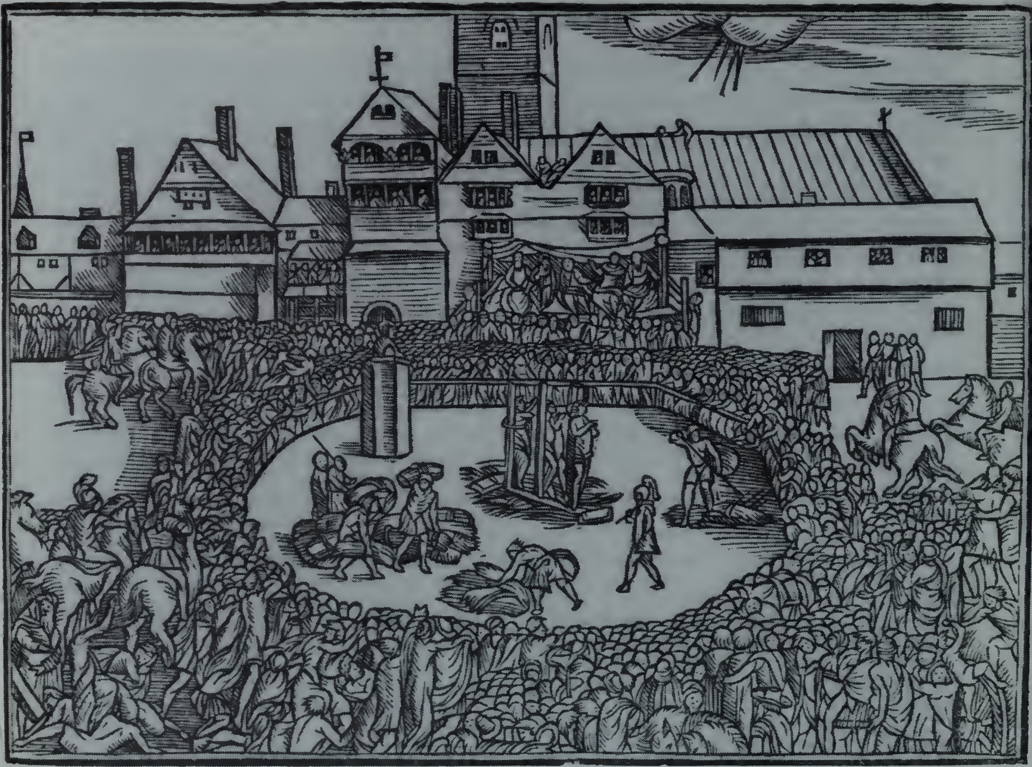
When a woman sought such a separation from her husband on the grounds of his impotence, the ecclesiastical court of York appointed seven women to verify her claim. The women surrounded the husband and tried to arouse him in various ways, all recorded by the court clerk. When their combined and separate efforts failed they cursed him for marrying a young woman deceitfully without being capable of '*deservire et placere*' – serving and satisfying her.

One other choice existed for dissatisfied English wives: they could offer a peck of oats to the statue of St Uncumber (also called Wilgefortis and Liberata) 'to uncumber them of their husbands'.

Uncumber/Wilgefortis/Liberata owes her existence to an erroneous explanation of twelfth-century crucifixes depicting Christ fully clothed with a beard. In ages accustomed to an unclothed crucifix figure this was understood to be a woman. A tale arose of a septuplet of a pagan king of Portugal, who with her brothers and sisters became a Christian. Having taken a vow of virginity she refused to marry the King of Sicily and prayed to become undesirable with the result that she grew a beard and a moustache and her suitor changed his mind. Her infuriated father had her crucified, while on the cross she prayed that all who remembered her passion should be liberated from all encumbrances and troubles. Images of Wilgefortis were to be found at Worstead, Norwich and Boxford and in the Henry VII chapel, Westminster Abbey. Her feast day was 20 July.

Henry VIII added a refinement to punishment by the use of fire and water when in 1531 he introduced 'boiling to death' as the penalty for coining and poisoning. On 28 March 1547, at Tuesday Market Place in King's Lynn, Margaret Davy, a maidservant, was put to death for multiple poisonings. A fire was lit beneath a huge cauldron of water and 'the terrified victim plunged in it when boiling point was reached; from a gantry a chain pulled her body up and down until life was extinct'. Mercifully, this act was repealed shortly after Edward VI's accession.

During his brief reign occurred one of the most famous cases of love and hatred, culminating in scandal and tragedy in 1551. A gentleman, Thomas Arden 'a tall and comely person' with his wife, Alice, a 'young gentlewoman, well-shap'd and in every way handsome' lived in the Kentish village of Faversham. Unfortunately, she became enamoured of



Protestant martyrs were burnt to death at Smithfield in 1546 for heresy. Anne Askew, John Lascelles, John Adams and Nicholas Belenian were all dreadfully tortured before execution.

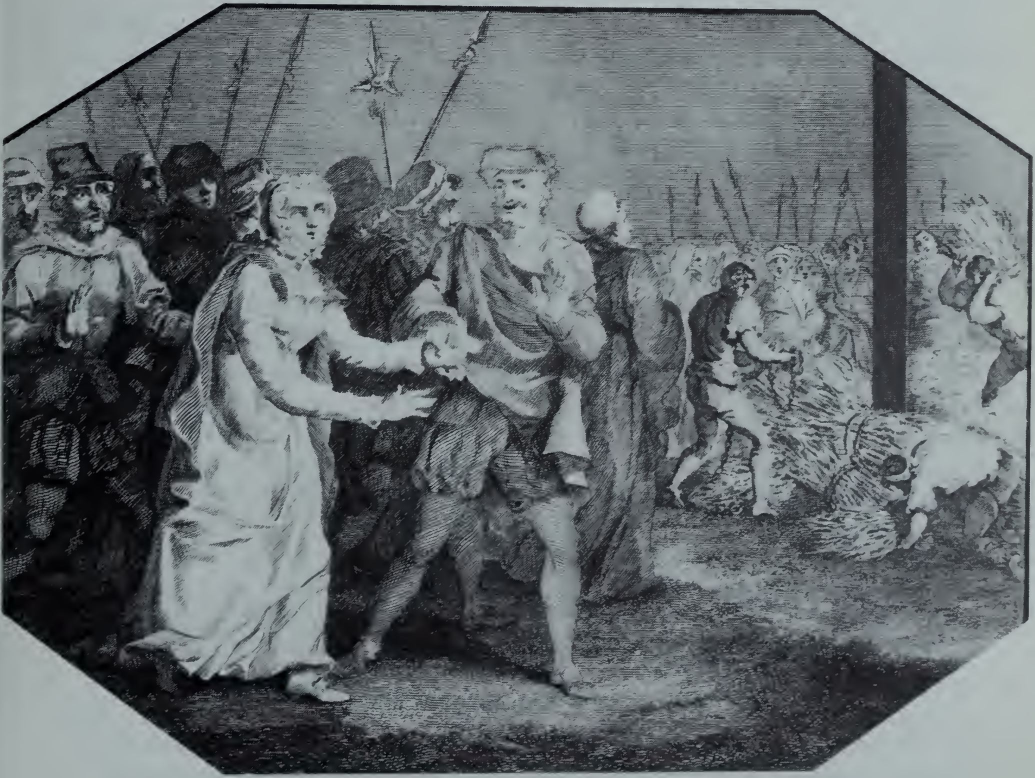
one of Lord North's servants, a 'black swarthy fellow' named Mosbie. After a lovers' quarrel Alice persuaded Adam Fowle (a local man living at the 'Flower de Luce' inn) to take Mosbie a pair of silver dice as a reconciliation gift. Thereafter, Mosbie 'lay often in Arden's house . . . their intercourse being so open that Mr Arden could not but perceive it!' But he chose not to intervene, apprehensive of offending Alice's relatives from whom he had certain expectations. Meanwhile she began to seek a way to be rid of this unwanted husband. With the aid of a painter she obtained some poison and murdered him. The murder was a *cause célèbre* with several of the go-betweens hanged for their involvement. Mosbie was burnt on a scaffold. Adam Fowle was luckier. Implicated by Mosbie, he was committed to the Marshalsea prison in London as being privy to the murder, but after investigation he was discharged. 'Handsome' Alice was burned at the stake in Canterbury before a huge crowd. The flames inspired several playwrights, and *Arden of Feversham* printed in 1592 (once attributed to Shakespeare) was possibly written by Thomas Kyd (1558–1594). George Lillo's *Arden of Feversham*, completed after his death (1739) by Dr John Hoadly, was staged in 1759.

However much we might deplore murder, few readers would applaud this penalty, yet many who had committed no crime were also burned to death. These were the victims of religious intolerance; frequently pious Christians, but of the wrong order as far as the contemporary ruler was concerned.

In 1546 Anne Askewe, a close friend and confidante of Catherine Parr, Henry VIII's last wife, was charged with trying to convert the queen to her own Protestant beliefs. Anne Askewe was arrested, tried and condemned to be burnt alive. She was taken to the Tower of London to be questioned further about the queen's involvement, but this intelligent and strong-minded woman refused to give any information. After she had displayed no signs of fear on being shown the instruments of torture in a dungeon in the White Tower, the Lord Chancellor, Sir Thomas Wriothesley ordered that the lady be racked.

Despite being tied to the rack, with the screws slowly turned, Anne Askewe still declined to answer the questions. Wriothesley ordered more pressure to be applied, and he and Sir Richard Rich, the Solicitor General, turned the levers with their own hands, as Anne later testified:

> They did put me on the Rack because I confessed no Ladies or Gentlemen to be of my opinion and thereupon kept me a long time on it and because I



Joan Waste, a blind woman, is led to be burnt near Derby, 1556. From Foxe's Book of Martyrs.

> lay still and did not cry out My Lord Chancellor and Master Rich took pains to rack me with their own hands till I was nigh dead.

The sight of such brutality appalled the Lieutenant of the Tower, Sir Anthony Knivett, who informed the torturers that he was going to appeal to the king. He rode to the king, arriving minutes before Wriothesley. The torture was halted, and the Tower's surgeon revived the lady. She was however still a 'heretic', so that a little later she was carried, strapped to a chair, to Smithfield where her shattered body was tied to the stake and burnt.

During the reign of Mary I, Protestantism was designated a heinous and heretical crime. Among the most heart-rendering of Bloody Mary's victims was Joan Waste, 'Derbyshire's only female martyr', a barber-ropemaker's daughter born blind during the reign of Henry VIII. Her twin brother Roger was constantly at her side, and Joan, being very devout, attended church services at least once a day, often carrying her Bible to Derby Jail where the prisoners read to her from it. When Mary began persecuting Protestants Joan refused to renounce her faith and was soon charged with 'being an heretick'. After being imprisoned and ill-treated this blind girl was 'led from All Saints Church, Derby to the Windmill Pit where she was burnt alive at the stake' on 1 August 1556.

An equally grisly event occurred that same year in July on the island of Guernsey. In May, Kathleen Cawches and her two daughters were indicted for petty theft, but acquitted. Unfortunately, in the course of their testimony it was disclosed 'they were not obedient to the Catholick Church'. They were at once rearrested, imprisoned, harshly interrogated and, retried 'as hereticks', then sentenced to be burnt at the stake.

Three stakes were set up: in the middle the mother, on the right the elder daughter, and on the left the younger who 'was big with child'. The rule governing such executions required them all first to be strangled, but the rope burnt before it had extinguished their breath and the women dropped alive into the flames. During their death-throes the infant was born and rescued by bystanders. Then followed this macabre sequence:

> There was some deliberation by the priests in attendance, the Dean and the Bailiffs, the Provost and the island's *Jurats*, after which the Provost ordered the infant to be cast on the fire as an heretick.

After Queen Mary's death Kathleen's brother made representations in 1562 to the new queen, the Protestant Elizabeth: the Dean was 'dispossessed of his livings and imprisoned' – but such punishment had no enduring effect, since later all concerned were pardoned.

Despite the dreadful penalty, seventeenth-century women still committed petty treason. On 11 May 1636 at Newgate in London, Alice Clarke, brought in from her home at Uxbridge, was burnt 'down to ashes for the poysonynge of her husbande Philip'.

The horror of what the condemned suffered is beyond imagination, but eye-witness reports give some inkling of the scene. On 10 April 1652 the diarist John Evelyn noted 'Passing by Smithfield I saw a miserable creature burning . . .' The 'miserable creature' was Prudence Lee, a fuller account of whose execution appeared in the pamphlet 'The Witch of Wapping' chiefly devoted to a description of the trial and execution on 12 April of the so-called 'Witch' Joan Peterson. Prudence Lee's crime was not witchcraft but the murder of her husband.

> . . . then the executioners, setting her in a pitch barrel, bound her to the stake and placed the straw and faggots about her, whereupon she, lifting her eyes to Heaven desired all present to pray for her. The executioner then putting the fire to the straw, she cried out 'Lord Jesus have mercy on my soul' and when the fire was kindled was heard to shriek out terribly some five or six several times.

She had obviously been burned alive and the diarist must have heard her dying shrieks although he made no reference to them.

In 1656 the Commonwealth abolished the burning of women for murder although it remained the penalty for adultery. A man might escape hanging by pleading ignorance of the lady being married but the woman needed to prove her husband had been absent for more than three years. Only one woman, Ursula Powell, a procuress, brought before the Middlesex quarter-sessions, was actually put to death under the law (and there is even some doubt about her fate). Records demonstrate that fornication remained as popular as ever among married and single, but since Puritan juries refused to convict in such cases the penalty ceased to be in effect. These juries equated adultery with theft of a husband's property, but the principle of the female's greater guilt was explicity stated.

The Stuarts put the clock back with a vengeance; after the Rye House Plot in 1683 to assassinate Charles II, Elizabeth Gaunt was burnt at the stake in Smithfield 'for helping one of the plotters'. For over another hundred years Englishwomen up and down the country went to the stake for murdering their husbands, or their employers, for coin-clipping or counterfeiting.

Youth was no protection against judicial flames. In 1712 a girl of fourteen was burnt for murdering a harsh mistress, and about the same time the *Quarterly Review* reported how another girl of the same age:

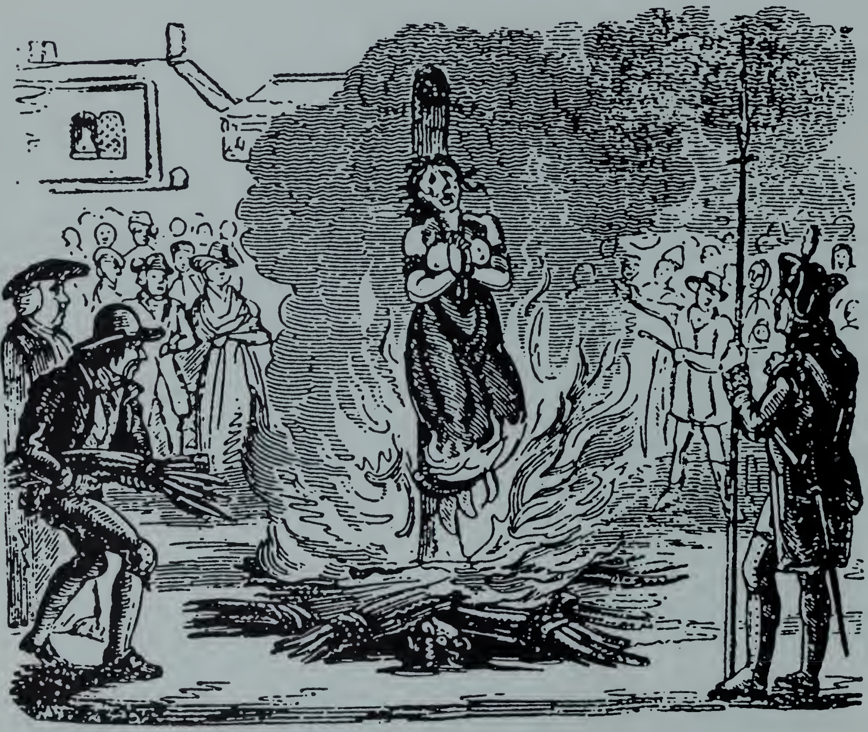
> at her master's command concealed a number of white-wash'd coins behind her stays. She was sentenced to be burnt for treason. Her master having already been hanged and the faggots now but waiting the application of the Match to blaze in fury about her, when Lord Weymouth, who happened to be passing by, interfered. So a mere accident sav'd the Nation from disgrace at this Crime!

Further 'mere accidents' were sorely needed.

Questions were later asked in Parliament about this incident, but in the eighteenth century death sentences were the panacea for society's ills, so legal slaughter continued.

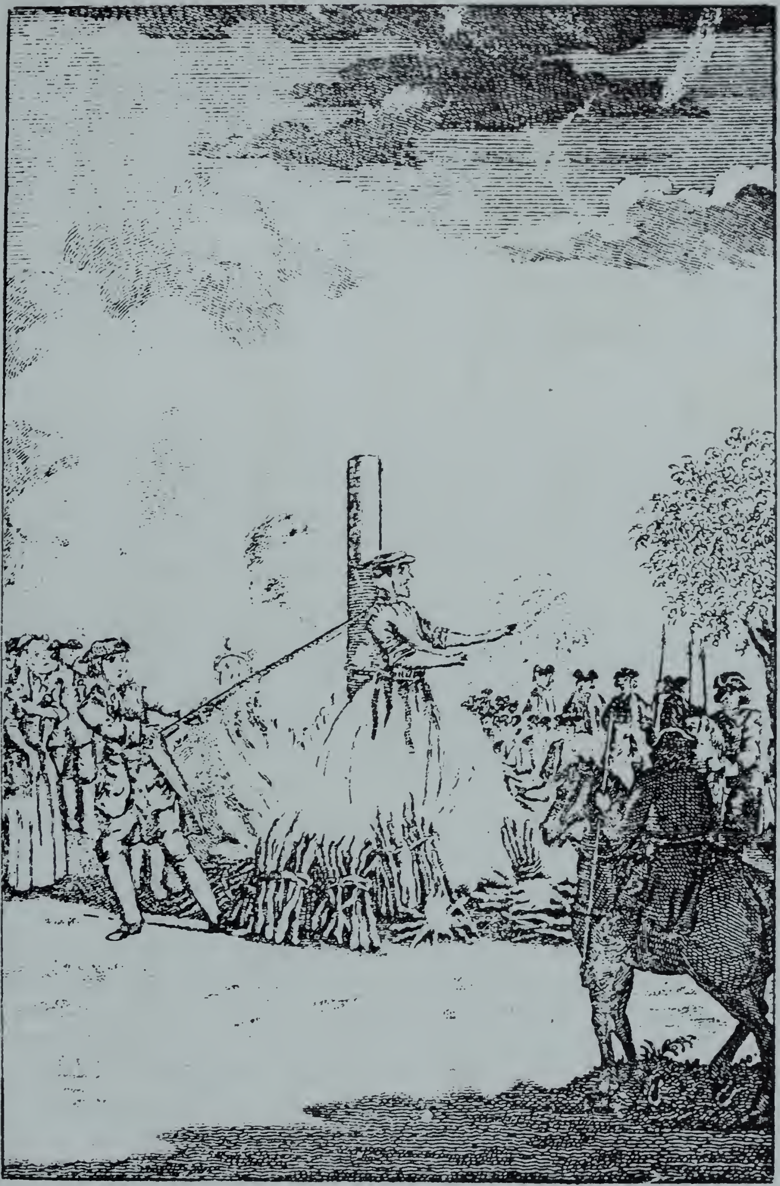
In some instances parents bore the major responsibility for a young girl's crime and subsequent execution. When Mary Woods, the beautiful, educated and witty daughter of good family was 'fatigued and importuned' by her parents to marry 'one Mr Channel' the outcome proved tragic. Mr Channel might have been a rich grocer from Dorchester, but with ill-proportioned limbs and a splay foot he had only wealth to recommend him.

Mary rapidly sought means to rid herself of this unattractive husband and sent her maid to the local apothecary to buy white mercury 'to kill rats and mice'. She then added the poison to the milk-rice she had ordered for breakfast. Her husband having 'eaten liberally of it' expired before a doctor could reach him, and the young widow was immediately arrested and put in Dorchester gaol.



In 1722 Eleanor Elsom was found guilty of killing her husband and sentenced to be burnt at the stake in Lincoln.

Mary was tried, found guilty and sentenced to be burnt at the stake.



Catherine Hayes was convicted of the murder of her husband and was burnt alive at Tyburn in 1726. The executioner let go of the rope used for strangling before burning so that she was literally burnt alive.

On 30 April 1703 she went to her death in a white silk gown, which she took off and gave to her maid. To the end she continued 'complaining about her parents' constraints which had been the sole cause of her torturing death'. This eighteen-year-old was 'greatly bewailed and lamented tho' the sentence was acknowledged to be just.'

The crowds that turned out to witness these burnings reflected the brutality of the age. When in 1721 Barbara Spencer, found guilty of coining in London, was already bound and standing on the execution platform 'she was desirous of praying for the salvation of her soul' but complained of the dirt and stones being thrown at her by the 'Mobb' which 'stopped her from thinking sedately on her future . . . at one time she was quite beat down by the hail of stones'.

This form of execution had a grisly ritual of its own. When Eleanor Elsom, another husband-murderer, went to her doom in Lincoln in 1722:

> She was clothed in a cloth 'made like a shift', saturated with tar and her limbs smeared with tar and a tarred bonnet put on her head. She was brought out of the prison barefoot . . . put on a hurdle, drawn upon a Sledge to the place of execution 'nigh unto the Gallows'.
>
> Some time was then spent in Prayer, after which the executioner placed her on a tar barrel, at a height of three feet, against the Stake, in which a rope ran thru' a Pulley and 'she put the Rope round her Neck with her own Hands'.
>
> Three Iron Bands held her to the stake. The rope was then pulled tight, the tar barrel removed and the fire then lighted. The rope had been pulled several times while the irons were being fixed so that 'she probably was dead before the fire reached her'. The body was seen amid the flames for nearly half-an-hour . . . through the dryness of the Wood and the quantity of the Tar the Fire was exceedingly fierce . . .

Public burnings required much organization. The platform had to be erected, and the stake with its pulleys and ropes had to be adequately constructed and positioned so that after the victim had dropped the executioner could jump clear of the flames. Labourers were required to transport and arrange vast quantities of faggots. Pitch or tar had to be brought in and boiled up beforehand so the victim could be covered with it to ensure thorough immolation. A priest had to be paid for his attendance. And, because this was intended to demonstrate to the public what happened to petty traitors, contingents of troops were required to control or overawe the crowds of spectators since the constables would be unable to deal with such mobs. Afterwards, the ashes were swept up and put into a sack, and, if they were not handed over to the relatives – for a cash consideration naturally – they would be thrown away.

Burning was a costly business even outside the capital Records from Kirkcaldy, Scotland, for 19 November 1635 show:

For 10 loads of coal to burn them	£3	6s	8d
For a tar barrell		14s	
For towen (tinders)		6s	

To him that broght the Executioner	£2	18s	
To the Executioner for his Paines	£8	14s	
For his expenses here		16s	4d
For one to go to Tinmouth for the Laird		6s	

Women were conveyed to the place of execution on a sledge or hurdle, and were supposed to be strangled by the executioner prior to being burnt. Since Sir William Blackstone considered the burning of women a commutation of the sentence of hanging, it must be presumed that no sarcasm was intended in his statement

> the humanity of the English nation has authorized, by a tacit consent, an almost general mitigation of such part of these judgements as savours torture and cruelty, a sledge or hurdle being usually allowed to such traitors as are condemned to be drawn, and there being very few instances (and those accidental and by negligence) of any persons being . . . burnt till previously deprived of sensation by strangling . . .

Despite high-flown sentiments grotesque accidents occurred. When Catherine Hayes was executed at Tyburn on 3 November 1726 for the murder of her husband, the executioner who pulled the rope to strangle her burnt his hands and left her dangling conscious in the flames. Her struggles and screams were witnessed by a hostile crowd for more than half an hour – it took three hours to reduce her to ashes.

After the fiasco of this execution a certain amount of public conscience became evident, although not strong enough to halt these *autos-da-fe* – the techniques having been learned from the Spanish Inquisition – but at least the issue was occasionally aired in Parliament.

Such bunglings were common. Executioners were neither experienced nor skilled. They had probably taken strong drink and cared nothing for the suffering of the condemned; they usually proved equally inefficient as hangmen.

The *Gentleman's Magazine* of 1772 reported how on 6 April Mary Hilton of Four Lane Ends, committed at Lancaster Assizes for poisoning her husband, was drawn on a sledge to the place of execution at Lancaster, where, after hanging fifteen minutes, she was cut down and her body burned to ashes. But, a bystander's recollection was more ghastly. Apparently the miserable woman was only half-strangled by a man with one arm, and was let down still alive into the fire consisting of faggots and two barrels of tar. She was beginning to move before the fire got hold of her. 'Those who sanctioned such barbarous punishment were in every sense as wicked at heart as the prisoner' was the witness's opinion.

The following year at the Old Bailey, Mary Herring, a husband-killer, was another victim of negligence, when:

> she dropped sixteen inches and was strangled, but the rope broke and she fell into the fire still just alive – the body being soon consumed.

This botched execution so thrilled the mob that preparations for the next burning had to be delayed many hours.

In London a burning always attracted vast crowds as in September 1779 when Isabella Condon, convicted of High Treason 'for coining silver shillings in Cold Bath Fields and also in the Nags Head Yard in Bishopsgate Street', was drawn on a hurdle through the city streets and burnt to death at Smithfield.

From contemporary periodicals readers could learn about burnings in other parts of the country. The *London Magazine* for July 1735 reported, 'At the assizes, at Northampton, Mary Fasson was condemned to be burnt for poisoning her husband'. The next issue of the magazine amplified 'Her behaviour in prison was with the utmost signs of contrition. She would not, to satisfy people's curiosity, be unveiled to anyone. She confessed the justice of her sentence, and died with great composure of mind.'

Hooker's Weekly Journal recounted the fate of sixteen-year-old Mary Trake, who despite great intercessions on her behalf, was burned to death at Winchester in March 1738.

The *New Suffolk Garland* offered another petty treason account of Margaret Beddingfield who in April 1763 stood trial at Chelmsford, Essex for the murder of her brutal husband John. Her servant and paramour, nineteen-year-old Richard Ringe had actually murdered him. Ringe was condemned to be hanged, and Margaret, convicted as an accomplice, was sentence to 'be taken from hence to the place from whence you came, and thence to the place of execution, on Saturday next, where you are to be burnt until you be dead; and the Lord have mercy on your soul.'

Accordingly, they were both executed at Rushmere Heath near Ipswich since Sternfield, where the murder was committed, was in the Ipswich district.

In 1753 the liberal-minded were disturbed by a tragedy at Wells, near Glastonbury. In March, John Bruford of West Monkton married the virgin Susannah Davis. Manifestly it was an unhappy union for in the autumn Susannah poisoned him. She was convicted and sentenced to death on 3 September. The local paper described the execution attended by 'a prodigious concourse of spectators':

> She was set upon a stool or *trippet* and after standing two or three minutes and praying, after the rope was put round her neck she dropped a black handkerchief as a signal and was then turned off – the faggots were set on fire and burnt for about an hour in great fury by which time she was almost consumed . . .

It is worthwhile noting that where a man and a woman were engaged in the same criminal offence warranting the death penalty, their gender usually dictated the form of execution. When, in 1765, William Levy and Sarah Parker were convicted at the Old Bailey for counterfeiting silver coins, she was burnt and he hanged.

Only occasionally did a man suffer an identical fate with his female accomplice. At the York Assizes in 1776 Elizabeth Boardingham was found guilty of 'being an accessory before the fact of a felony' having cozened her servant Thomas Aikeny to murder her husband John. Both were burnt to death, and their ashes sent to the Leeds Infirmary 'for dissection' . . . or sifting!

The memento of many a public execution was the broadsheet ballad sold to the crowd as keepsake and warning.

When to the fatal stake I come
and dissipate in Flame,
let all be warn'd by my sad Doom
to shun my Sin and Shame.

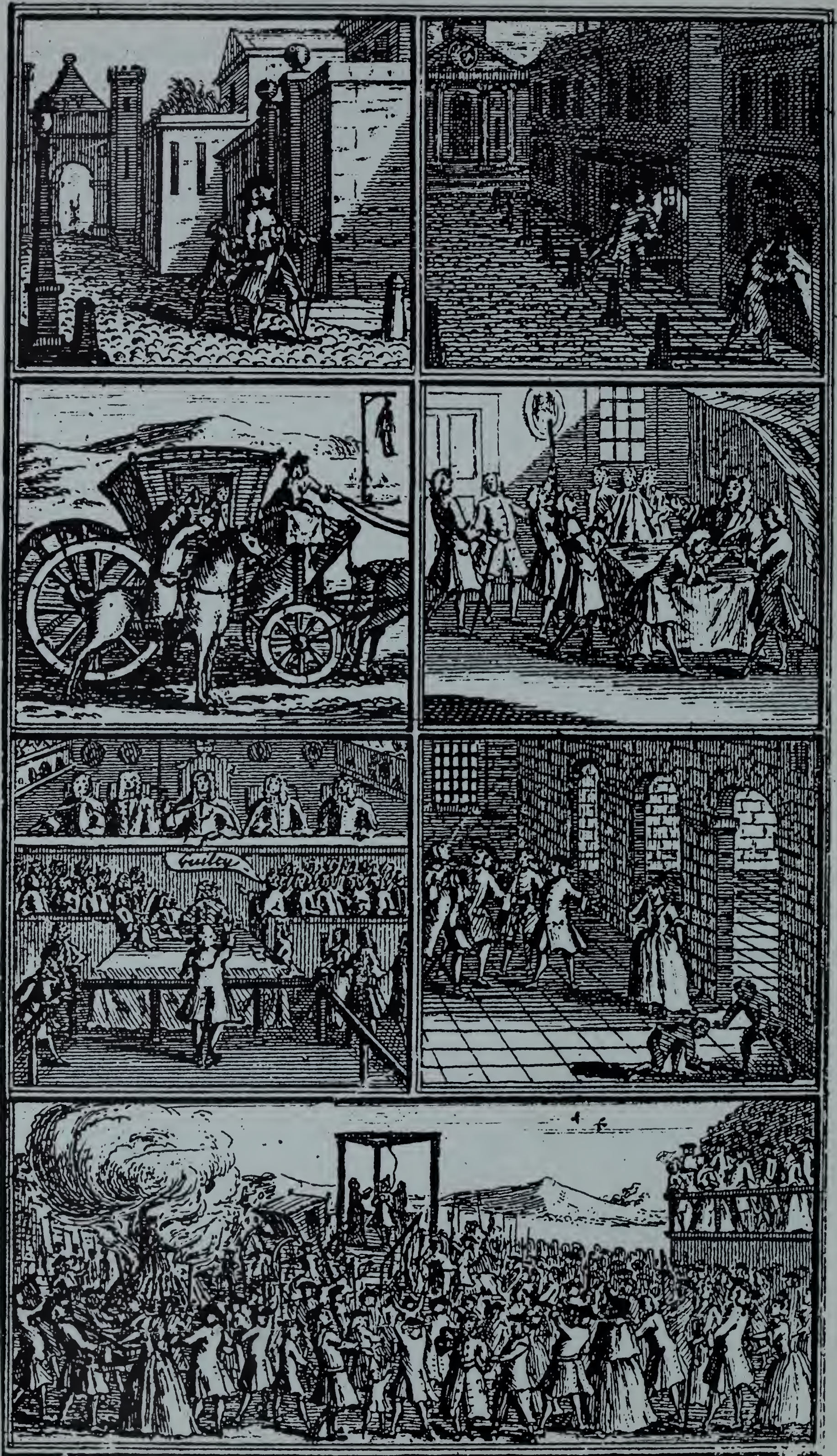
These lines commemorated the burning at Exeter on 3 August 1782 of fifteen-year-old Rebecca Downing for poisoning her master, Richard Jarvis, with arsenic.

Not until the execution of Phoebe Harris outside Newgate Prison in 1786, did public murmurings against burning increase. It was reported how 'she appeared languid and terrified, and trembled greatly' as:

> . . . she was led by two officers from the prison to a stake fixed in the ground midway between the scaffold and the Pump [in Newgate Street]. The stake was about eleven feet high; near its top was a curved iron hook on which the halter was tied round her neck. She stood on a low stool . . . the Ordinary [the prison's resident priest] prayed with her. After a short while the stool was kicked away and she was suspended, her feet being about fourteen inches from the ground. When signs of life had ceased, two cartloads of faggots were arranged round her corpse and set on fire, but the halter caught fire and the body fell a few inches and suspended by the iron chain binding her chest to the stake. The remains were still there at 10.30 that night.

The good burgesses seemed disquieted that such things could happen within their city; Smithfield and Tyburn were presumably 'out of sight out of mind'. But three years later in March, at the same stake in Newgate Street, Christian Murphy *alias* Bowman was burnt for coining. 'The logs were piled so high that she was completely covered' so depriving the onlookers of a complete, and as it happened, historic, spectacle: Christian Murphy was the last woman to be burned in Britain.

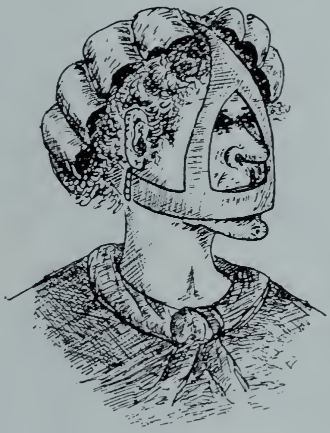
1790 witnessed the end to this barbaric form of execution. In May Sir Benjamin Hammett, MP for Taunton, moved a bill in Parliament 'to alter the Law of burning for women attainted . . . a savage remnant of Norman policy . . .' The subsequent act made the substitution 'that in all cases of high and petty treason women were to be drawn and hanged'.


Guilty

3 Branks

Women should be Seen but not Heard

The scold's bridle, Walton-on-Thames. The instrument open shows at A *the point of connection with* B, *between which, when closed, the instrument was held in place by a leather strap.* C *is a plate which was lodged on the tongue, effectively preventing speech, and* D *is an aperture through which the nose protruded.*



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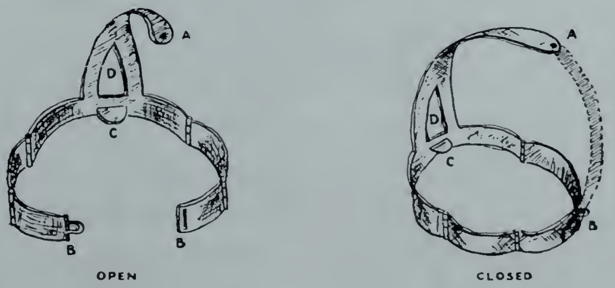


Opposite: *The apprehension, imprisonment, trial and eventual burning of Phoebe Harris who killed her husband, 1786.*

'Ten kabs of gossip descended to the world; nine were taken by women.'
Kiddushim (Talmud)

The view that female voices are heard too often and too stridently has produced a plethora of jokes and prejudices. Literature, correspondence and popular opinion attest to women's notorious and natural garrulity. By constant repetition through the ages such irrational concepts have acquired a veneer of normality, particularly as these views were expressed and chronicled by men.

Perhaps the opinion is as old as humankind itself, but more likely it dates back to the first civilization where men formulated the rules and wielded authority, and what wasn't masculine lacked true significance. Women's interests, activities and views became at best secondary or at worst irritating interruptions in the affairs of men. Deprived of virtually all political influence the woman was left with one weapon of freedom, her tongue, the liberal use of which branded her a 'scould', possessed of unwomanly aggressiveness. Should she voice criticism or discontent about those with power over her – virtually anyone male – this might undermine society's structure, and incite other women to question or doubt the natural order of life, or even organize against it.

The misogynous Joseph Swetnam in his Pamphlet (1615) 'The Arraignment of Lewd, idle, froward and unconstant women' (which incited a number of 'scolds' to write pamphlets tearing his grammar, knowledge and views to shreds, and also inspired a trade among printers in producing quasi-replies ostensibly from women but some probably from men who had jumped on the bandwagon) suggests a fear of female conspiracy inspiring wives to be less than doormats and advises:

> Let a woman avoid so much as may be the company of a woman which hath an ill name, for many of them endeavour by their evil fashions and dishonest speech to bring others to do as they do, and many of them wish in their hearts that all women were like unto themselves.

By definition the scold was female, and thus suitable means of punishment must be created especially to restrain her.

The idea of stuffing a gag into a woman's mouth to stop her nagging must be almost as old as humanity, but the earliest reference to a scolding wife is probably that of Xanthippe, spouse to Socrates, the Greek philosopher (about 400 BC). The bad temper she exhibited towards her husband has made her name a byword for a 'conjugal scold' so that two millennia later in Shakespeare's '*Taming of the Shrew*' Petruchio assures Hortensio of his intention to wed a wealthy bride no matter:

> Be she as foul as was Florentius' love,
> As old as Sibyl, and as curst and shrewd
> As Socrates' Xanthippe . . .

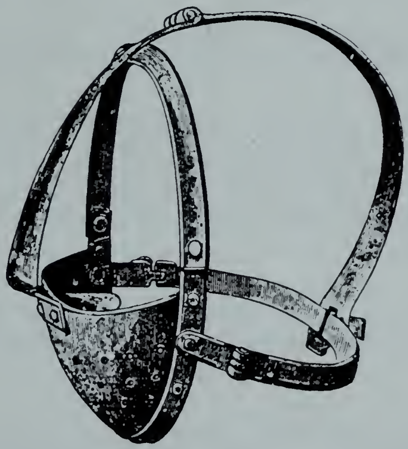
How much Xanthippe's ill-humour was justified is unknown but a philosopher-husband was probably not the easiest man to have about the house. Additionally, the recording of her reputation lay in male hands.

The kind of wife a righteous man needed, underpinned by the Judaeo-Christian tradition, was an unspeaking one.

> As the climbing up a sandy way is to the feet of the aged, so is a wife full of tongue to a quiet man.
>
> Ecclesiasticus (second century BC)

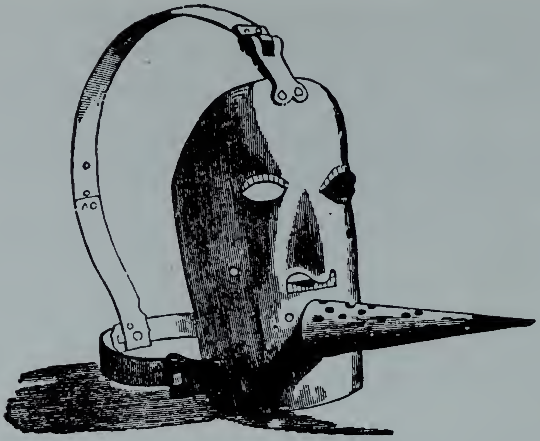
Opinion about the ideal woman had not altered much by the eighteenth century as this ballad indicates:

A wife domestic, good and pure
Like snail should keep within her door;
But not like snail, in silver track
Place all her wealth upon her back.
A woman should like echo true
Speak but when she's spoken to;
But not like echo still be heard
Contending for the final word.
Like a town clock a wife should be
Keep time and regularity;
But not like clocks harangue so clear
That all the town her voice might hear.



Branks formerly in the possession of Mr Carrington.

Since all male discourse did not dwell on the highest plateau of reason so not all women were guiltless of scolding and gossiping. Throughout the centuries women's lives have always been hard, often made more so by men's attitudes. Those frequent, and all too often jocular, written allusions to scolding females conceal the reality of the pain and



The branks at Doddington Park, Lincolnshire, most unusually constructed in the form of a bascinet used by knights in the time of Richard II. There are no details as to when or how it was used.

frustration causing the women's protests.

In most ages such protests will have been stifled by physical violence. Some pundits even advocated cutting out the tongues of persistent offenders. Therefore it is debatable whether the appearance sometime in the fifteenth or sixteenth century of the padlocked scold's bridle, the branks, known in the city of Worcester as the cranks, was introducing a measure of civilization towards solving the problem of the disruptive female.

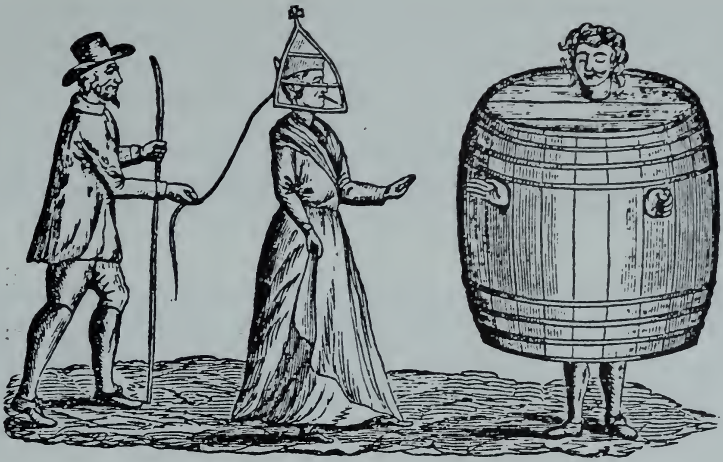
The origin of the word 'branks' is obscured by time, but thought to derive from some North European or Viking expression. (It may be cognate with the Old French 'bernac' for barnacle: an instrument put on a restless horse's nose to keep it quiet.) In England around 1500 the branks was described as:

> Efficacious and safe, preferable to the ducking-stool because it is not dangerous but brings shame for the transgression, and humility before it is taken off!

It was also known as the 'Gossips' Bridle'. Gossiping in those days, especially around well or market-place, often resulted in acrimonious exchange, leading to riotous behaviour possibly requiring intervention by local forces of law and order. So a device to hold a wagging tongue had many advocates.

Application of the branks was essentially a local measure, and never a legal punishment. Orders for its use came usually from the village or parish council, or, but rarely, from a local court leet.

Just as there was no official stipulation as to the length of time the



Two ancient punishments of Newcastle upon Tyne, c. *1700. On the left, Robert Sharp, an officer of the corporation, leads Anne Biddlestone through the town with the branks on her head. On the right a drunkard is shown wearing the 'Newcastle cloak', a barrel with an iron collar and chains. Young girls who misbehaved were partially stripped and put into this contraption – 'a wooden petticoat' – and led through the streets. Bawds and prostitutes were fully stripped, put in cages with bars, and pelted with dirt and dung by the populace while being paraded round the town.*

branks was to be worn so there was no regulation governing its design. The majority feature iron as the basic frame, but the earliest record is of a hat or helmet made of leather with straps fixed under the jaw to prevent it opening for speech, and another with 'an iron bit' to depress the tongue. Doddington Park, Lincolnshire, could boast a remarkable example; with a long-snouted mask resembling the visored helm occasionally worn by knights during the reign of Richard II.

The wretched woman condemned to wear the branks was paraded through the streets of her village or town, led, like a haltered beast, by a chain round the waist held by a parish or municipal official proclaiming her offence. She would then be shackled to whipping-post, pillory or, like Elizabeth, wife of George Holborn, in Morpeth, Northumberland on 3 December 1741 to the market-cross, where she spent two humiliating hours for 'scandalous and opprobrious language to several people' including the bailiffs who had conducted her there.

By about 1600 this parade had become a procession, with the officials chanting the crime and a group of capering minstrels, or even marching soldiers. Such punishment without these trimmings was not too costly. In the 1691–2 the accounts of the Greave for the Forest of Rossendale, Lancashire, show:

ITEM. for a Bridle for scouldynge women 7s 6d

No doubt the concept of this punishment was engendered by the belief that public shame and ridicule, or threat of them, would silence a scolding tongue more effectively than imprisonment or a fine. The spectators and their jeers (it is easy to shout insults in the certain knowledge they can't be returned!) were salutory punishment enough.

In 1648 John Willis, a native of Ipswich, happened to be in Newcastle-upon-Tyne, and subsequently described to the local court how he had:

> seen Anne Biddlestone drove through the streets by an officer of the Corporation, holding a rope at one end of which was an engine called the *Branks* . . . which is like a Crown being of Iron musled [muzzled] over her Head and Face with a great Tongue of Iron forc'd into her Mouth which forc'd the Blood out . . . the Punishment which the Magistrates inflict upon chiding & scoulding women . . . he had often seen the like done to others . . .

For this punishment was not merely humiliation. Over the years the branks was developed into a veritable instrument of torture by refinements to the tongue-plate which could be serrated or fitted with small sharp spikes, or even a spiked wheel, ensuring the slightest movement of the tongue tore the flesh and caused dreadful pain, sometimes even leading to death through blood-poisoning.

At Frankwell, near Ludlow in Shropshire, and also at Whitchurch and Market Drayton the branks:

> had a revolving wheel at the end of the gag so that every movement of the tongue would inflict pain . . .

An unusual use for this branks not mentioned elsewhere is a report that 'it had been used frequently in bygone times . . . for correcting unmanageable paupers'. The last application at Frankwell was in 1846 when an unnamed woman 'was ordered to undergo this peculiar punishment . . . for making opprobrious remarks about a neighbour'.

The Stockport branks provided one of the more ingenious examples of man's inhumanity to woman. Its gag, a tongue-plate, was some two inches long with a ball at the tip studded with sharp iron pins – three on top, three underneath and two more pins pointing backwards – which inflicted painful tearing and bleeding 'effectually silencing the noisiest brawler . . .' Moreover the chain was on the actual front of the branks so that every jerk on it by whichever custodian of law and order was leading the victim through the streets must cause the spikes to lacerate her tongue. On market days the branks was exhibited on the front of the house of the person in charge – presumably the market-master – as a warning to 'scolding or swearing women'. Otherwise it was hung outside the office of the lord of the manor as a horrid reminder.

With the branks a woman could be punished for speaking her mind to a local jack-in-office, taking to task an idle, drunken, brutal husband, or criticizing her neighbours. In 1789 at Birmingham where the bridle was called by its local name, the Bewdley Branks (first referred to in 1598), it was recorded that on the last Friday in November:

> . . . a woman was led through the public market at White Church with a rope tied to a Scolding-bridle which adorned her head, attended by the Peace Officers, for being continually scolding of her neighbours.

Although the branks was overwhelmingly the instrument for punishing scolds, the town record for 1623 from Macclesfield in Cheshire describes it as a 'brydle for curste queanes' – prostitutes or women of 'lighte behaviour and loose morals'; and in the hamlet of Bolton-le-Moores, Lancashire, the branks was a punishment for these 'frail ones' ' . . . when a set of gaily-coloured ribbons was affixed to the back of their neck' and they 'were paraded from the Cross to the Church steps and back again by the Parish Beadles'.

More sinisterly, a branks occasionally adorned those accused of witchcraft. In the West Yorkshire village of Wombwell the 'scolds brank', made of iron 'with an iron gag that fitted into the mouth', could be fitted with a spiked collar when used on alleged witches, and was still in use after 1676. Forfar, Scotland, in 1661 possessed 'The Witches brank', described as 'The Bridle with which the wretched victims of superstition were led to execution'. Some deduced that female loquacity indicated diabolical influence.

No doubt reinforcing the worst male prejudices was the behaviour of Quaker women (prominent in the Society of Friends from its outset, so giving rise to the rumour that the sect was wholly female). Speaking out and 'quaking' during services, as the spirit moved them, ran completely counter to St Paul's stern injunction: 'Let your women keep silence in the churches: for it is not permitted unto them to speak.'

Therefore, when some Quaker women were actually inspired to preach in the streets they risked not only the rowdiness of the mob but the sanctioned brutality of authority. In 1655, Carlisle, in Cumberland, was the scene of the humiliation of two such valiant preacheresses – Dorothy Waugh and Anne Robinson – who by order of the mayor were cast into prison.

> and some Time later were led through the Street with each an Iron Instrument of Torture call'd a Bridle on their Heads to prevent their speaking the Truth to the People. Having been so expos'd to the Scorne and Derision of the Rabble they were turn'd out of the City.

Just how early in England's history a branks was first applied is impossible to trace since local records from medieval times are few, but there is this reference in Chaucer (1340–1400):

> But for my daughter Julian
> I would she were well bolted with a Bridle
> That leaves her work to play the clack
> and lets her Wheel stand idle.

although he was writing about a chatterbox who neglects her spinning-wheel and not necessarily a fully-fledged scold.

Earliest references to a brank come from Scotland, and demonstrate this instrument of punishment was not confined to scolding women. In 1560 Edinburgh's Town Council mandated, 'that all persons found guilty of blasphemy shall be punished by the Iron Brank' and on 7 October of that year the kirk session at Canongate sentenced one David Persoun who was found guilty of fornication with Isobel Mountrey '. . . to be brankit for four hours . . .' while she was '. . . to be banisit the Geit' (banished from the city through the Canon gate).

In 1574 the Glasgow authorities condemned 'twa scouldes to be branket'. In 1600 the Kirk Session in Stirling recorded ' . . . the brankes for the punishment of the shrew . . .'; and in the church at St Andrews there was 'the Bishops branks'.

The first references to the branks in England appeared in 1598, and it has been observed that its use was more prevalent in the north with the ducking-stool being more common in the south.

Cheshire had a special reputation for these accessories of punishment with no less than four in Chester city, all with rasps like files on the gags. Every large town in this County Palatinate kept at least one branks, with the last officially recorded use in Kendal in 1834.

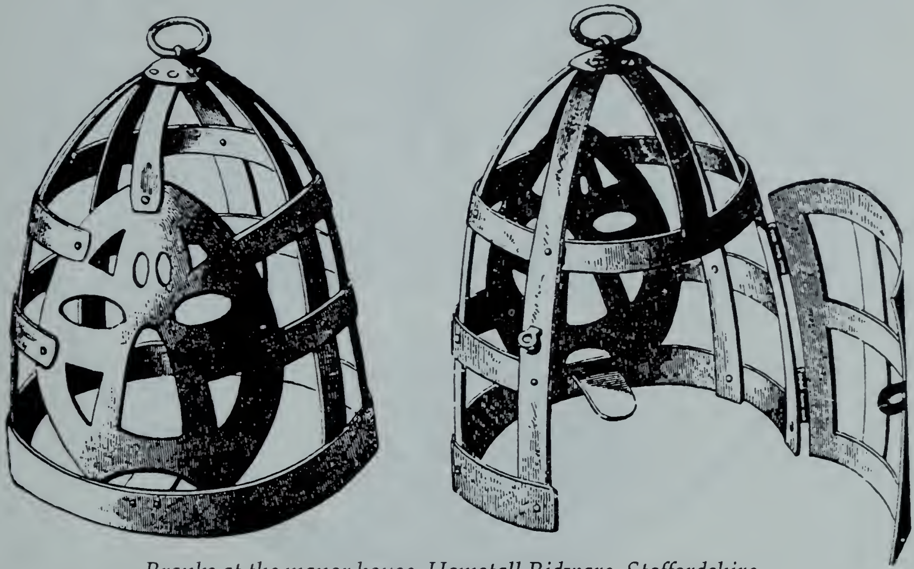
The mere threat of the branks was apparently sufficient even in the case of virulent scolds. In Congleton a husband could send for the town gaoler who would bring the branks to his home, and fix it by a hook to the fireplace beside which the wife would remain compulsorily speechless for so long as her husband thought fit.

The last time the branks was applied in Congleton was in 1824 when, according to the historian, Dr T.N. Brushfield, one Ann Runcorn:

> was sentenced by the local Justices there and then to have the town's bridle for scolding women put upon her . . . she was led through every street . . . accompanied by hundreds of the town's inhabitants led by the Town Clerk's clerk, Prosper Haslam . . . back to the Town Hall where the bridle was taken off . . .

Apparently Ann's crime was to insult the churchwardens during a Sunday round of public houses, (which were open during divine service) by shouting that 'they were rogues and scoundrels who would be better advised to look after their own homes.' Neither age nor infirmity excused a woman's tongue or debarred her from this humiliating punishment. In 1820 in Altrincham an aged woman was branked 'for using bad language', but as she could not walk she was carried around in a wheelbarrow.

Not all women were subdued by the existence of the branks, as Yorkshire Adam Eyre's somewhat rueful account testifies: 'This morn (June 1647) my wife began, after her old manner to brawl and revile me for criticizing her clothing and stepping on her foot and she kept on till noon'. Still, he seemed to care enough to try to sweeten this scold of his bosom, for that same year at Wakefield fair he spent 1s 8d on a book for her.



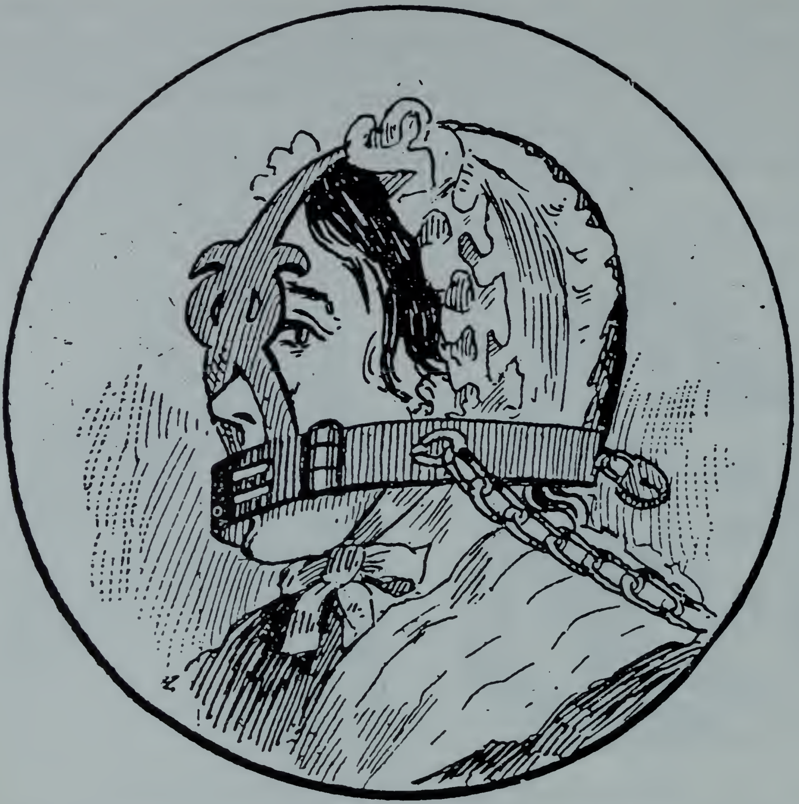
Branks at the manor house, Hamstall Ridware, Staffordshire.

Presumably Mistress Eyre had never read the nuggets of guidance to women contained in Swetnam's pamphlet:

> When I was a maid I was at the disposition of my parents, but now I am married I am at the pleasure of my husband; therefore you were best speak to him and to know his mind what I shall do . . . And if her husband be out of the way, let her behave herself as if he were present . . .

The old Staffordshire historian, Dr Plott, sarcastically remarked 'the civility of precedence must be allowed to women, as well in punishment as in favours' and listed a number of places where branks were to be found, starting with Lichfield and Walsall, where the Walsall muzzle was mentioned in 1598, and including the hamlets of Beaudesert and Hamstall Ridware.

> . . . it did not endanger the life or health of the party concerned, since it merely deprived them of speech, bringing shame and humility before being taken off.



Lancaster Castle was notorious for its cruelty to offenders of every sort. The tongue-plate on this branks was fitted with serrated points, small spiked balls which tore the tongue at the slightest movement. The victim would be paraded through the streets by the city bellman, pulled by an attached chain which caused untold agony, before being chained to the market cross.

is how Dr Plott explains his preference for the branks as opposed to the ducking-stool. The latter was favoured by that renowned Lichfieldite, Dr Samuel Johnson, presumably because it could secure what he enjoyed most from women: 'I am very fond of ladies. I like their beauty, I like their delicacy, I like their vivacity, and I like their silence.'

Lichfield was still using the branks in 1789 when the local press reported:

> A local farmer revived this old custom by enclosing a woman's head with a sharp piece entering her mouth to silence her clamorous Tongue, leading her round a field while boys and girls hooted her. Nobody pitied her because she was very much disliked by her neighbours.

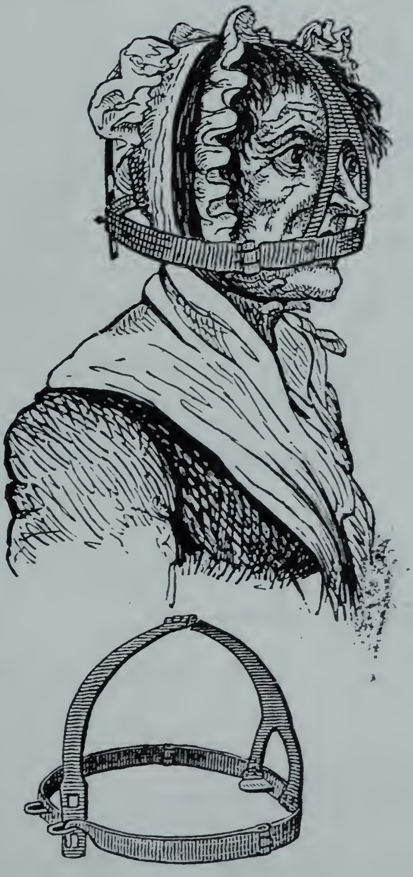
Thereafter, unsurprisingly, she 'kept herself to her room' since the punishment had been unannouncedly thrust upon her.

Writing in about 1650 Derbyshire's historian Philip Kinder stated that:

'the Countrywomen here are chaste and sober and diligent in housewifery, hating idleness, they love and obey their husbands' which may explain why this country prided itself on the fewness of its branks, although a 'simple' (without the serrated tongue-flap) version was kept in Chesterfield's poorhouse.

Lancashire boasted a number of branks, not only in the city of Lancaster, but also in Manchester, Kirkham, Preston, and in Warrington where in 1699 its last branks victim was: 'a notorious scold in the local workhouse, Cicily Pewsill of verjuice vinegar aspect was to be seen in the streets wearing this disagreeable headgear for half-an-hour or so'.

Around 1650 Preston possessed two branks. A very old one, made of leather with an iron tongue-piece, was kept in the local prison, where its hire added to the emoluments extorted by the keeper, who also ran a watch-and-clock-making business. The other branks was hung on the wall in the house of correction for women, readily available to control vituperative or blasphemous inmates. It was last used in 1850, but an official complaint was then made to the home secretary and 'this



An ancient bridle used in Newcastle-under-Lyne for the taming of scolds.

barbarous practice was prohibited . . . and to make sure, it was commanded these branks be sent to London.'

The branks, kept in Leicester's jail, seems mainly to have been used as a deterrent; but Nottingham's, popularly known as the 'Iron Gag', saw more frequent application. It has the distinction of its final victim being a man, the blind beggar James Brodie who in July 1799 murdered his boy-guide in Nottingham Forest. In the prison awaiting hanging Brodie was so noisy that the branks was requisitioned to make him hold his tongue. The 'iron gag' prevented its wearer from speaking or swallowing.

In 1821, Judge Richardson, directed the 'Nottingham branks' be destroyed and Sheriff Wildman carried out his instruction. However, another branks must have existed because some years later Baron Parke, when a judge at the assizes and visiting Nottingham gaol, ordered 'Take away that relic of barbarism!' The then clerk of the Nottingham Guardians, John Sanders, took it away to his home, where presumably it was displayed as a curiosity since it lacked the padlock.

Public display of this instrument was intended to quell tongues; in Shrewsbury, Shropshire, the branks hung on the walls of the police court, and was finally employed in 1807. In nearby Oswestry one set was preserved in the Corporation Hall, and another in the workhouse was last used in 1800 when 'Mary Jones, who had mobbed the Steward' was punished by a spell of wearing it.

Even memory of the use of branks was sufficient to silence women in cities where it had previously been frequently applied. As late as 1876 in Newcastle-upon-Tyne a local magistrate 'faced by contending women witnesses would most significantly point to the branks hanging on the wall of the Council Chamber' – although by then it was a relic of the past.

However, joking asides about the strength of the female tongue were still much in vogue at the end of the nineteenth century. In Jerome K. Jerome's gloriously funny *Three Men in a Boat* (published in 1889) the narrator makes lighthearted reference to the 'iron scold's bridle' in Walton church.

> They used these things in ancient days for curbing women's tongues. They have given up the attempt now. I suppose iron was getting scarce, and nothing else would be strong enough.

The Walton-on-Thames branks bears an engraved plate with the couplet:

> Chester presents Walton with a Bridle
> To curb womens Tongue that talks too idle.

Presumably Chester's experience and skill at manufacturing these silencers made this a particularly valued gift.

Although in London the ducking-stool was the more usual punishment for a scold, the branks was sometimes used, the most noteworthy being in Newgate Gaol. While imprisoned there, the 'Popish Midwife' Elizabeth Cellier reported in her tract *Malice Defeated* (1680) how she had seen:

> Elizabeth Evans, whom the Gaoler order'd to to the *Condemned Room* . . . was double-iron'd, kept in isolation without sustenance . . . and a *Cap of Maintenance* fix'd to her Head with a thing like a *Rowel* of a Spur put in her Mouth . . . (it) . . . clings to her Mouth, cleaves to the Roof with extreme Torture . . . this she endur'd several times . . .'

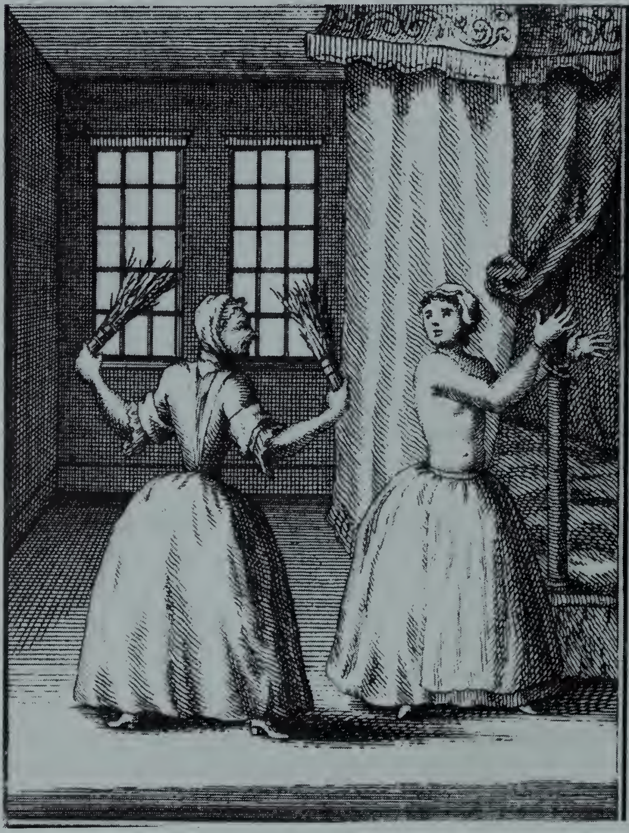
How many of these branks were manufactured in England will never be known, but in 1900 the historian T.H. Myres gave a tally of those still existing in various museums: 13 in Cheshire, 6 in Lancashire, 5 in Staffordshire and 2 each in Derbyshire, Shropshire and Worcestershire, and the odd one in Walton-on-Thames, Newcastle-on-Tyne and Leicester.

As for when the branks was last employed that too remains a mystery. Although county records show official dates being in the first half of the nineteenth century, there may well have been unrecorded later usages while branks were kept in workhouses and bridewells.

We are assured the gossip's bridle was a measure to prevent disorder, but a nagging suspicion remains that even when men held all the reins of power they were still apprehensive lest women topple them simply by the use of their tongues.

4 Whipping

Women, Dogs and Walnut Trees



A mistress armed with a bunch of birch twigs approaches a servant girl tied to a bedpost. Such brutal punishment often caused death, in which case the mistress was hanged for murder. From the Newgate Chronicle.

'A spaniel, a woman and a walnut tree,
The more they are beaten, the better they be.'

Old English saying

Whipping is one of the oldest, most commonplace methods of punishment, easy and cheap to administer. Even the speedily erected whipping-post, sometimes known as the post of reformation, proved an inexpensive innovation although English town and village records demonstrate how constant use necessitated frequent renewal or replacement.

Almost as a matter of course, the whipping of women for transgressing a wide variety of laws can be found in historical accounts of every civilization. While Assyrian married and upper-class women had to be veiled in public, prostitutes, sacred or common, and slaves were forbidden to veil themselves. Anyone seeing a veiled harlot or slave was bound to arrest her. He who did the arresting was entitled to her clothes – much as the public executioner in England was entitled to those belonging to the men and women he dispatched. The harlot's punishment was fifty blows with rods, and pitch poured over her head; while a slave's ears would be lopped off. To ensure this rule was obeyed, any man seeing a veiled harlot or slave without reporting her, was himself punished.

Assyrian law also allowed that a husband 'may scourge his wife, pluck her hair or destroy her ears: there is no liability there for . . .'

Some of the attitudes towards women enshrined in these laws persisted even after sixteen hundred years of Christianity. In *The Lawes Resolutions* (probably composed in the late sixteenth century, and printed in 1632), English lawyers considered that a man might beat 'an outlaw, a traitor, a Pagan, his villein, or his wife because by the Law Common these persons can have no action.'

Domestic diarists chronicle as common practice the whipping of maidservants and female apprentices, accepted as much by the hapless employee as her employer, the former preferring it to losing her place, the latter seeing it as a bounden duty, and sometimes a pleasure.

English gentry were not averse to whipping their daughters particularly when it came to forcing them into an advantageous match. From the fifteenth-century Paston letters we learn how a twenty-year-old daughter, promised to an ailing widower of fifty whom she refused to marry, was beaten mercilessly by her mother. Happily, the marriage was never solemnized, because the bridegroom's family called it off.

Records also show that some daughters were beyond parental control. On 29 July 1614 in the parish of St Martin's, London, Elizabeth Smith, daughter of the Widow Smith 'living disorderly in her Mother's house', disturbing and disquieting various neighbours by 'breaking their windows and filching and stealing from her Mother' and coming in at 'unseasonable times in the night' was warned by the court that if she continued she would be 'whipt at a carte's tayle thru the Citty & Liberties'. This manifestly held no terror for wayward Elizabeth, for on

15 September her mother again complained that her daughter 'did abuse her, misbehave towards her and did steal and robb . . . and would not in any wise be ruled by her . . .' The court warned Elizabeth 'to gett herself some honest Service' within the next five days or be sent to Bridewell. Missing records prevent us knowing delinquent Elizabeth's fate.

At the same sessions Elizabeth Atkins was whipped privately (in the Bridewell yard) for misbehaving towards her parents, and was to be whipped 'as often as shall be complained of' by them. Here was no whisper of 'spare the rod and spoil the child'.

Youth was no shield against a judicial beating, as thirteen-year-old Alice Fautlie of Hastings discovered in 1663 when she was severely 'whipt' for stealing Mary Puntis' handkerchief.

While the Old Testament affirms 'a wicked man shall be beaten . . . according to his wickedness', Deuteronomy 25: iii also set a limitation of 'forty stripes', any more bringing dishonour on the punisher. When in eighteenth-century Hastings at least one victim cited this forty-stroke restriction as defined by the law of Moses, the protest was disregarded. Biblical teachings apparently meant little in Hastings gaol where whipping was controlled by the head turnkey, and men and women 'could be flogged from daylight until dark . . . if the sufferer could bear it . . .' And, as from 1680 jailers received an extra fee 'to whipping wenches', this form of punishment met with the punisher's approval.

Early English references are sparse since as a common, local punishment whipping would not deserve much mention; and very few written records exist before about 1200. But left to us is this account of punishment for 'naughty behaviour' in Salisbury in Wiltshire.

> 1231 Thomas de Colne, one of the choristers of the Cathedral spent the night with the wife of an actor, in his house. The Dean went to investigate and she admitted she had been having an affair with Thomas for more than a year and came often to him in the Close by night and day, whenever he wished . . . she was ordered to be whipped through the Close and out into the city.

Lusty Thomas however was given three days to pack up and go; curiously enough the actor's wife was not ordered out of the city after her chastisement.

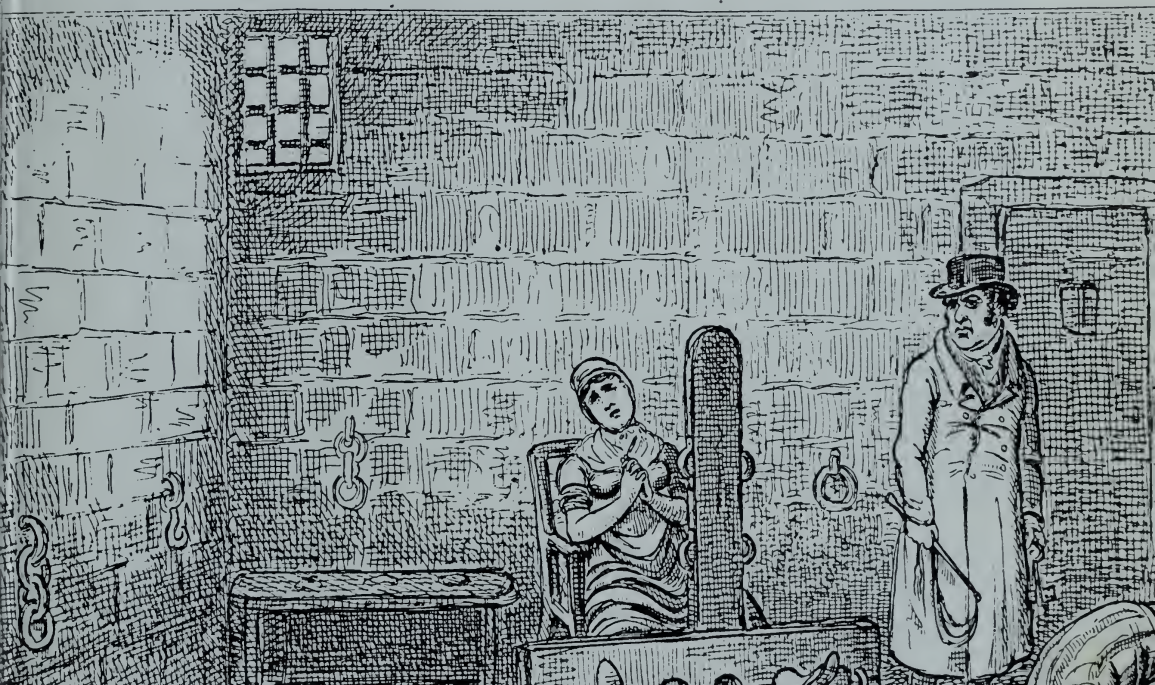
A shared crime often earned disparate treatment based on the offender's sex. The register of William Gainsborough, Bishop of Worcester, at the beginning of the fourteenth century records the punishment for clerical concubinage of the subdeacon and the woman he had lived with for some years. While she, the mother of his five children, was condemned to be beaten with nine strokes of the birch on nine Sundays and nine market days, the man was required to fast on bread and water for twelve months, and as public disgrace to stand by the church font on seven successive Sundays with thirteen poor people present to pray for him.

Whipping appears to have been authority's natural reaction to 'naughty behaviour'. In 1369 at Carlisle Bishop Appleby, appalled by local immorality, encouraged 'as a penance' the use of fustigation – literally hitting with bludgeons or hardened, but flexible, bull's pizzles – on errant women. He sentenced two of them.

> to six *fustigations* round their parish churches on six successive Sundays, and the same number round Carlisle's Market Place on six market days . . .

This so angered the townspeople they chased the registrars and physically abused them 'even in the churches', and the bishop had to appeal to the Lord Chancellor for marshals to protect his own officers.

The earliest royal edict, permitting whipping, appears to be in a charter to the City of Bristol by Edward III in April 1347. But, the first



A Peep into Ilchester Bastille, *Somerset, 1821. The overseer stands by with his whip watching a woman in the stocks, and two men chained down.*

national ordinance making whipping mandatory is that of Henry VIII's Act Against Vagrants (1530) which applied to men, women and children. This so-called Whipping Act stated that:

> Vagrants are to be carried to some market town nearby . . . and there tied to the end of a cart naked and beaten with whips (throughout that town) . . . till the body shall be bloody by reason of such whipping.

His daughter, Elizabeth I, only altered this act by stipulating 'naked from the waist upward' – presumably an aversion to seeing the lower parts of the female anatomy bared in public.

The pernicious effects of Henry VIII's act followed by Elizabeth's Poor Law Act (1572) lasted for some two hundred years causing untold misery to the hundreds of thousands who were always being whipped for a 'crime' beyond their power to control: that of being homeless and destitute. Naturally they tried any stratagem to obtain a base in town or city – the bigger the better to get lost in.

Under the Poor Law Act such urban vagabonds were sent for a spell to the nearest house of correction – almost as bad as any prison. On arrival, men women and children were stripped to the waist, and whipped on their bare shoulders: adults getting twelve strokes and the young ones six. After this 'warm welcome' each were 'to have a clog, chain or manacle, or a collar and chain, at the keeper's discretion'. The daily diet was 4 oz meat and 8 oz dry bread, a pint of porridge and a pint of beer; on fish days: milk, cheese and pease pudding. The recalcitrant were given heavier shackles and a 'thinner diet' and 'slackers' were fed only bread and beer. All comestibles were of the poorest quality, since the keeper had to get his own revenue out of his exactions on his unwilling guests.

Obviously beggars were a financial burden on payers of the poor rate, many of whom would have felt not a twinge of pity when at Bristol on 30 November 1598.

> eight men and six women were publicly flogged and sent back home . . . ordered never to return; . . . five more women and two men were flogged and discharged; and one woman from the out parish (suburb) of St Philip was dismissed on her promise never to enter the City again . . .

In August 1640 in the city of London for 'vageinage [vagabondage] and Wandering' Richard Banister and his wife Elizabeth were whipped 'naked until they be bloodie'.

In Northampton in the mid-seventeenth century one Eleanor Childe was ordered:

> . . . to be whipt on Saturday next twixt 12 and 2 of the cloke in the open market in the town of North'n, and then be sent with a Pass to the Place of her last settlement

Her crime? Vagrancy.

After 1655, ever anxious to avoid the frequent disorders occasioned by those with nothing to lose, magistrates 'seized, stript and stockt and whipt' every vagrant they could lay their hands on and sent them from constable to constable to their last place of settlement, presumably, their home parish. Many of those so treated were women; no distinction was made even if they were pregnant, or accompanied by young children or sucklings.

Only in 1791 was a statute enacted forbidding the whipping of female vagrants.

The Vagrancy Act was also applied to prevent early members of the Society of Friends from travelling around the country, preaching. In order to spread tidings of their faith in seventeenth-century England and its American colonies Quaker women were prepared to risk violence and ridicule. In December 1653, Mary Fisher, aged thirty, and Elizabeth Williams, aged fifty, arrived in Cambridge and, having observed the 'froth and levity' of the undergraduates of Sidney Sussex College, denounced them as 'Antichrists' and their college 'a Cage of unclean Birds, and the Synagogue of Satan'. Complaint was made to the mayor, William Pickering, that two women were preaching. He questioned Mary and Elizabeth about where they had spent the previous night, and whence they came. He also demanded their names and the names of their husbands. Undoubtedly the women understood his questions were intended to bring them within the scope of the Vagrancy Act.

They responded they were strangers, and did not know the name of where they had stayed but had paid for what they had received. As to their names, these were written in the Book of Life, and they had no Husband but Jesus Christ. Incensed by these replies, Pickering called them whores, and ordered them to be whipped at Cambridge's market-cross, with three of 'his Serjeants to see that Sentence . . . severely executed'. It was noted how the executioner 'executed the Mayor's Warrant far more cruelly than is done to the worst of Malefactors'.

This harsh treatment was no discouragement, for inspired by the bravery of Mary Fisher and Elizabeth Williams, to Oxford in June 1654 came 'Little Elizabeth' Fletcher, aged fourteen, on a self-imposed mission to speak to the undergraduates. The young gentlemen showed neither compassion nor respect, and pushed the girl under the pump 'with other shameful abuses'. As a protest this 'virtuous maid of considerable family . . . contrary to her own Will or Inclination, in Obedience to the Lord' ran naked through Oxford 'as a sign of the Hypocritical Profession they made there'. 'Streaking' does seem an eccentric way to proclaim faith by any century's standards, but she continued her preaching. Neither youth nor diminutive size saved little Elizabeth from being whipped for blasphemy, at the orders of the vice chancellor of Oxford. Undaunted, she took her preaching to Ireland.

Of course the public were familiar with the spectacle of women being whipped through the streets at the 'cart-arse' or at the post of reformation in the market-place. When in Shakespeare's *The Taming of the Shrew*, Baptista, the father of the 'shrew' Katharina, offers Gremio and Hortensio 'Leave . . . to court her at your pleasure . . .', Gremio's retort, 'To cart her rather, she's too rough for me . . .', would certainly have raised a laugh among male members of the audience.

It is a sobering thought to reflect that until 1817, up and down this country, by the laws of men at the hands of men, hundreds of women were being whipped every weekday – Holy Days usually offering the only respite – and market days being particularly popular, although Sunday after church was not unusual. The whipping-post was a workaday feature in town and village. The Water Poet, John Taylor, whose life spanned four reigns, mentioned in 1630 that in London apart from eighteen prisons, there were 'sixty whipping-posts and stocks and cages'.

Nobody would claim all women who endured a whipping were undeserving of some punishment – many indeed were as brutalized as their menfolk – their transgressions ranged through theft, drunkeness and sexual laxity. For some misdeeds the penalty was identical for men and women. The Knackers Act (1786) laid down that an offender (male or female) 'may be sentenced to such public or private whipping as the court may direct' for the crime of slaughtering horses and cattle without a licence.

A desire to keep cities free from immorality was responsible for the ubiquity of this punishment for women. In 1383 a royal ordinance of Richard II, confirmed and carried out by the Lord Mayor of London, ordered bawds and strumpets to have their heads shaven, before they were carted and beaten, put in the thew and then thrust out of the City. In 1472, that diligent hunter of whores, the Lord Mayor Sir William Hampton was still having them whipped and turned out.

Since all sorts of 'myslyvvers' in the City of London and its shrievalty of Middlesex were subject to a whipping, there were literally thousands of cases over the centuries. Most involved a carting, the proceedings accompanied by 'minstrels' to attract bystanders.

In November 1555 'the ill-woman who keepes The Greyhonde in Grasschurch Streete' was carted and whipped 'abowte the Citie' and the woman who kept The Bell in the same street was carted 'as a bawd' and whipped. (The Bell soon afterwards became one of the first theatres to be allowed within the city).

In 1557 it was reported that a 'bawde . . . arraigned . . . shee was wyppyd at the cart-arse and . . . beynge a nold harlott of three-score and more was ledd the horse lyke a nolde hore . . .'

At the same time Maister Manwarynge 'a Gentilmanne' – probably a goldsmith and hence a city worthy of consequence – was carted from a whorehouse The Harry in Cheapside with two whores (one a goldsmith's wife!) to Aldgate and whipped 'for baudrie and hordome'.

On 11 June 1575 John Hollyngbrygge, Gent . . . of St Giles

> . . . a man of evill lyff, a pympe adulterer and fornicator kept a common brothel mayntaynynge comon Harlottes . . . viz . . . Elizabeth Matthew, Jane Trays, Anne Breme, Jane Perepynte . . . alle comon and notorious

> Harlots . . . (all) . . . to be carted to St John Street the next daye . . .

On 30 July 1590.

> yn ye dwellynge house of William Isloppe of Norton Folgate . . . Albert Atkynson of St Marie Hylle, a victeller (victualler) guilty of adulterie wyth Jane Isloppe . . . Atykynson to be carted

Only occasionally were ganders treated to the same unpalatable sauce as the geese.

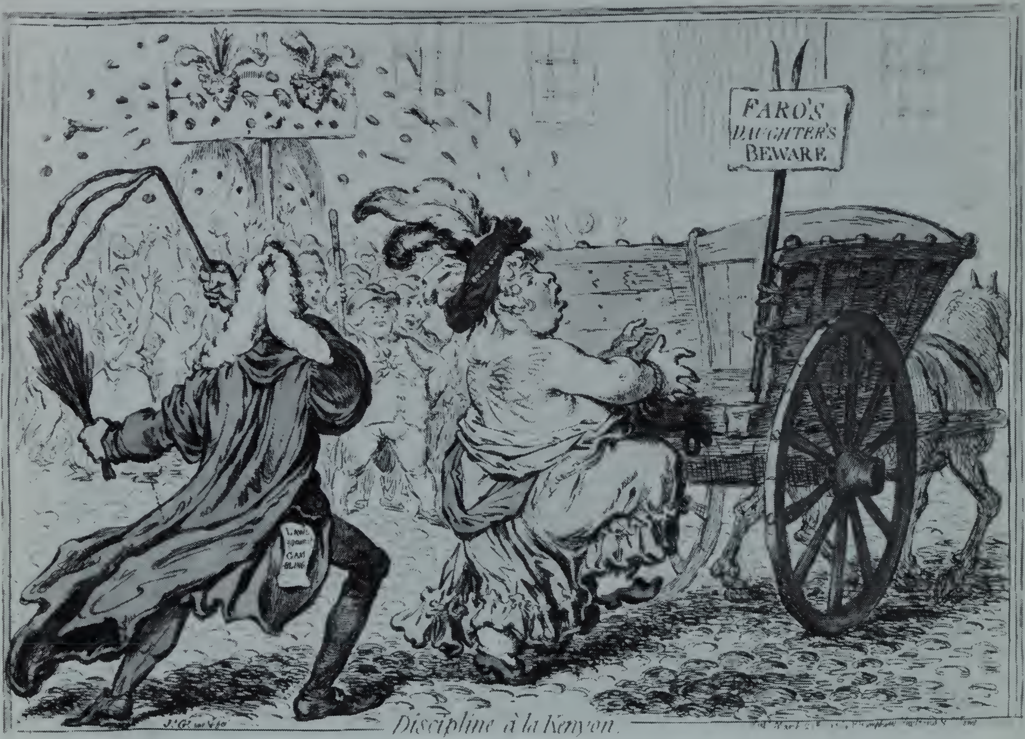
Dating from 1550, the town books for the cosmopolitan port of Liverpool, have a fine selection of queans and their 'evill lyffes'.

In October 1575, Christopher Holder was charged 'for kepynge Ann Hyll an woman of evill disposicyon in hys hows' and Henry Stevynsone 'for the kepynge of Catherine hys servaunt' who had been 'an unchaste woman who hadd conceived a childe'; and Merget Mowrie 'for kepynge her servaunt Eline Yong for the lyke offence'. After all had been fined five shillings each there is a note. 'The unchaste women aforsayde shalbe banyshed the Town withyn xiii dayes on payne of x.s (10/–)'.

Despite the penalties sinful connections continued unabated. On 15 October 1591 Roger Amyth was found to be 'fynable' because he kept a woman of 'evill conversacyon in hys howse', and John Corbett likewise. Both were fined twelvepence each. A year later on 23 October Anne Monely was presented 'for harbyrnge & succourynge one Mary Sankey *alias* Bridge beynge a woman of evill conversacyon'. She was fined sixpence. Anne Monely was also forbidden to go 'abroade to seeke relief inn the towne bicause wee thynke her well able to worke for her lyvnge'; and Mary Sankey was now being protected by William Tatlocke, who was charged with 'kepynge her, an unchaste woman' in his house. This cost him sixpence too. In October 1594 Margaret Penalton was ordered 'to be avoyded owte of the towne for dyvers lyghte mysdemeanoures by her committed'. It must be understood that as well as being fined all these 'evill' creatures were whipped.

Banishment of a wrongdoer was not always possible. Where the court had to deal with a citizen of London it could hardly pronounce an order for expulsion. In February 1609 Mary Beast (or Best) was charged with being '. . . of ill behaviour and very troublesome to the Noblemen about the Court . . . ORDERED that the said Mary Best be forthwith sent to Bridewell'. This failed to solve the problem, for some weeks later the court had to deal with the hapless Mary again.

> Forasmuche as Mary Beast of St Margrets in Westminster confessed herself guilty of Incontinency & to have had a childe which is now dead and now having an other at this time livinge and never was marryed . . . Ordered . . . that she should personally appear the next day after Christmas . . . then that afternoon should be stript naked from the wast upward and fastened to a Carts tayle & be whipp'd from the Gate House Westminster unto Temple Bar and back again . . . and then to remaine with her Mother as long as she behaves herself well . . .



A satirical cartoon by James Gillray. Albinia, Countess of Buckinghamshire, one of the infamous Pharoah's Daughters of Covent Garden, is whipped at the cart-arse. Lord Chief Justice Kenyon had publicly vowed in 1797 that any person, no matter of what rank or station, found guilty of keeping gambling houses would be pilloried or whipped. However, unlike their sisters of lower social status, such ladies of rank as Lady Buckinghamshire and Countess Susan Cassilis and Baroness Mary Mordington (show here in the pillory) escaped with fines.

On 9 October 1610, one of the first references to brothels in Manchester appeared in the constables' accounts of payments which noted:

> The Jurie doth p'sent William Glover for harborynge w'in hys howse a lewde woman muche suspected for Bawdrie, commonli called *The Pypers Wyffe*; lykewyse William Evington . . . havynge bene formerlye p'sented for keepynge a bawdi howse . . .

All were whipped.

At Hastings in 1611 William Gawen and the wife of John Capelyn, having been discovered in 'incontinency', were both whipped. This southern seaport was not exempt from doublestandards in dealing with male and female 'naughty behaviour'. In 1669 George Laby 'a wealthy miller' was ordered to pay half-a-crown a week for the maintenance of his bastard child by his servant Anne Perk. She, however, was sentenced to be whipped half-naked for her lewdness. George's fornication seemingly was not lewd . . . or, more likely, his financial, and therefore social standing gave sufficient protection from the ignominy of a whipping.

All over the country the authorities sought unsuccessfully to eradicate illegitimacy by ordering the whipping of unfortunate mothers, and occasionally the begetter of such shame. At Glastonbury in Somerset in July 1617 Nicholas Ruddock and Katherine Canker were both ordered to be whipped through the High Street, with 'two fiddles played before them . . . to make known their lewdness in begetting the said bastard upon the Sabbath day, coming from dancing.'

It was a warning which went unheeded. In 1630 'one Joan shal tomorrow sennight be whipt up and down the market street between 12 and 1 of the clokke . . . stript from the necke to the girdle' for harlotry, an occupation then very popular thereabouts, and in neighbouring villages. In 1621 Agnes Bourman was 'openly whipt' in the presence of the whole congregation of West Buckland, and Edith Pool of Norton Fitzwarren 'was whipped severely thru the streetes of the parish immediately after evening prayer'. Such exhibitions did not eradicate fornication; most indulgers no doubt praying not to get caught.

In 1650 the Commonwealth's Act for the Suppression of the Detestable Sins of Inceste Adulterie & Fornication ordered that bawds 'had to be whipped openlie and branded with an AB on the fore-head'. By its very nature this act could only operate in larger conurbations where there were established whorehouses and professional bawds. In the smaller towns and villages where there was little branding there was much whipping. Such an act apparently met with scant success for in 1690 the Society for the Reformation of Manners called for all prostitutes to be whipped.

Just as it failed to discourage prostitution, so whipping had little appreciable effect on the numbers born outside wedlock. In 1754 Sarah Deacon bore an illegitimate child, and was confined to the House of Correccion for a month and taken out every Friday to be whipped from 2 to 3 p.m. in the market-place at Thatcham, Berkshire.

A common failing, often leading to immorality, was drunkenness. Records suggest that inebriety during divine service was not unusual. In 1627 in Beeston, Nottinghamshire, a large group of men and women 'after attending church and partaking of the Sacrament on Easter Sunday' became very drunk and disorderly. They were promptly rounded up and sent to be whipped at the House of Correccion. Presumably, this was intended as a sobering-up effect on future congregations.

In Durham, on 30 April 1690, a Sunday, 'Eleanor Wilson, a marryed woman' was found drunk in church, and was publicly whipped in the market-place the following days between the hours of 11 and 12.

Lewdness, inebriety and stealing had one thing in common: they earned a beating.

At Liverpool in October 1568: 'Margaret Griffyth otherwyse called Riese . . . for stealyng of certen lynen and wooln apparrell owte of Maister Corbet hys howse . . . abjuracyon & whyppinge . . .' A harsh penalty since abjuration meant swearing under oath that she would leave the town and never return.

The first record from Hastings in 1597 describes how Mary Vinton of neighbouring Ashburnham was 'whipt' at the cart's 'tayle' half-naked for assaulting Elizabeth Stubberlied and stealing tenpence halfpenny. At the same sessions Joan Brecher was similarly punished for petty larceny.

In Walton, near York, in 1607 Agnes Egglesfield stole a 'felte Hatte' and was 'whipped and sette on ye stockes . . . with a paper on her heade' describing the nature of her crime. Three years later an order of James I stipulated, 'Spinsters etc . . . embezilinge or detaininge anie Wooll from Clothiers shal make satisfaction or bee whip'd or put on the Stocks . . .' In this textile region similar crimes must have occasioned many a whipping.

At London in September 1640, 'Frances Mytton . . . for stealing a sheet . . . to be moderately whipped in the Court House and then sett at liberty'. Modern readers are compelled to wonder what 'moderately' meant in this instance: perhaps only moderately bloody?

Life under the Merry Monarch Charles II was no less harsh for wrongdoers. At the Middlesex sessions in 1669 three allied cases were heard.

> Anna Luce, silk-winder, sold 9 lb 6 oz *hardarce silke*, value £4 10s 0d belonging to William Sanders, Silk-thrower . . . she is to be whipped if restitution be not made within 14 days
>
> Grace Wyan . . . sold 11 lbs of *legger silke* value £11 5s 0d bellonging to John Peeary; she is to be whipped at St Katherine's (Tower Hill)
>
> Judith Falkner [for a similar offence] to be whipped at Whitechapel

These women had sold the silk entrusted to them for quite paltry sums, and without any possibility of making financial restitution they would have all suffered whipping. There are a number of similar cases about this time originating in the area where the immigrant Huguenots had established a textile weaving industry, and the nearby 'Dutch Tentergrounds' where cloth was exposed and stretched for drying.

In 1695 in Huddersfield Margaret Milnes, although pregnant, was whipped for stealing some linen, and also for being one of the 'Scotch Pedlars' who were to be whipped unless they could pay a fine – or even just as a supplement.

In Carlisle on 9 April 1698, Mary Rickerby was accused of stealing 'a sheepe to the value of Three Shillings' to which she pled guilty, whereupon the law's majesty was proclaimed:

> THESE ARE THEREFORE to require you to cause the said Mary Rickerby to be whip'd on Satterday nexte at the Citie of CARLISLE through the Market Place betwene the houres of eleven and twelve of the Clocke according to Law

Mary was fortunate. Living in an area which demonstrated its independence (or unruliness) by not necessarily implementing a law according to the national code, in another place she might well have been hanged, since stealing, even of an item of relatively little value, was frequently judged as a hanging offence.

Not everyone saw whipping as the answer to society's ills; the Northampton county sessions minute book for 1673 opens with an unusual note when an official speaks from the heart saying, 'people are whipt for speaking true, whipt for lyinge and some tymes just for holdinge his peace!'

His sober comment had no appreciable effect for a century later they were still whipping women, on a specified route either the 'short round' (for borough-men) – from the town hall, then along the Parade, the Drapery and Mercers Row; or the 'long round', (for men of the county) – from the Old City Gaol, along by the Parade, Sheep Street, Bearward Street, the Horse Market, Gold Street and George Row. Such floggings at the 'cart-arse' usually took place on a Saturday starting at midday when a large crowd could be expected to attend.

Presumably, there were plenty of onlookers in October 1757 when Joanna Bonnor was ordered to be 'publickly whipt on Friday next and the Friday following at the Parish of St Martin Stamford Baron . . . each day from the foot of the Stamford Bridge to Mr Neal's house . . .' Her terrible crime was to have stolen 'three pieces of brass value ten pence.' Strange as it may seem, this was a merciful judgement: the arbitrary value of tenpence was a device to save poor petty criminals from the gallows. Anything worth more than a shilling merited hanging, or, at best, transportation. English juries had, over the years, become sickened with the proliferation of death sentences and, when unable to justify a not guilty decision, diminished the value of stolen articles to a nominal ten pence. Nevertheless, all too many people went to the gallows for paltry 'felonies'.

Despite evidence to the contrary judges regarded harsh punishment as the best answer to crime. When on 29 September 1738 Alice Peason, an unmarried woman, stole cloth belonging to the coach-seat of Bach Thornhill Esq., the judge trying her in Chesterfield wrote on the sentence 'She is a Yorkshire woman. I hope she will be severely punished in Chesterfield and sent home . . .

Certainly there was no decline in the numbers of whippings allotted to Yorkshirewomen. From Leeds the records list:

1761	May 30	Mary Hardman *alias* Moll Fagg for stealing a Candle-stick from Mr Nichols of the Red Bear . . . to be publickly whipt
1764	Aug 17	Lydia Longbottom of Bingley was publickly whip'd thro' the market at Wakefield for reeling false and short Yarns, the Town Bailiff carrying the reel before her.

We get a good picture of how respectable members of society viewed those neighbours who had incurred a judicial flogging from a letter written in 1742 by a Hastings man, John Collier, to his wife which mentioned that Dame Elizabeth Arthur, a widow, had 'for abowte one a clocke beene whipt at the Carte Tayll rounde the town – hadde some strokes at every lanes Ende, but I fynde that it is thoughte she hadde nott half enough!'.

As a punishment whipping 'had the virtue of cheapness'. Manchester's constables' accounts of payments (1615–16) itemize payments made to the whipper:

1615	Oct 25	Anne Kitts of Whaleys, widdowe	viij.d (8d)
		Anne Carter of Lyn yn Norfolke	viij.d (8d)
1616	Mar 30	Elizabeth Romesden of Harwood for filchinge	iij.d (3d)
	Jul 26	Suzanne Johnsone of Lyncolne as vagrant	iij.d (3d)
		Jane Townsende of Wensdall as vagrant	iij.d (3d)
		Jone Harinsone of Manchester for filchinge	iij.d (3d)
	Jul 8	For A carte and one to dryve yt for cartyng Alys Lomas	vj.d (6d)

In Barnsley, Yorkshire, the churchwardens' accounts for 1622–36 show the whipmasters being paid sums ranging from twopence to fourpence per whipping.

The city of Worcester had its own whipsman who whipped 'men and women rogues promiscuously . . . at a charge of four pence each'; the first record being in 1680 '4d for whipping a wench', a prostitute. In 1742 the whipsman received a shilling 'for whipping . . . and exposing Joyce Powell', and in 1759 'for whipping Elizabeth Bradbury two shillings and sixpence', the additional one and sixpence was for the hire of the cart.

The concept of all females meekly acquiescing to corporal punishment is a false one. Whipping a woman could prove more costly than a man. To take a violently protesting woman from her house, tie her to the cart or tumbrel and then whip her round the town was apparently so demanding an undertaking that at times even the military had to be summoned to help the local – and often untrained – constables.

In Preston, Lancashire, the record books illustrate this fact with the following items:

1644	Paid 2 soldiers to attend the whipping of a woman	2s 6d
1644	Paid to whipping four women	4s 0d

And eighteenth-century constables' accounts from Wakefield included the payment of three shillings apiece to several who had 'assisted at whippings'.

From Great Staughton, Huntingdonshire, the constable's accounts provide two extraordinary entries:

1690	Pd.	in charges for taking up a distracted woman, watching her and whipping her next day	8s 6d
1710	Pd.	Thos. Hawkins for whipping two people yt hadd ye small pox	8d

In these instances it is unclear whether corporal punishment was intended as a kill or cure measure.

The whipsman commanded if not respect then certainly awe. Hastings whipsman was dignified with a whippers-cote, which in 1659 cost four shillings to the then official, one Lunsford 'plus one shilling for the makynge thereof'.

In Saffron Walden, Essex, the punishment was carried out by the town's common crier, paid a shilling a time. In July 1744 a woman convicted of stealing articles from four separate people (a Doulas shirt, a pair of yarn stockings, a pot, a pair of worsted stockings) was for each offence to be publicly whipped on four consecutive market days. In 1795 Sarah Bottrell was whipped in private for stealing a shirt. But, when, three months later, she stole a cloak, gown, aprons and other items the magistrate decided his leniency had been misplaced, and Sarah was condemned to a public whipping in each street *en route* to the market-place.

In Truro, Cornwall, the town crier, in his other capacity as town sergeant, carried out the whippings. These sentences were nearly always done with a carting, and the unfortunate women were flogged from the prison round Middle Row and the market-place past The Kings Head hostelry and back to the prison. 'The procession was necessarily slow because of the narrowness of the streets and the great press of onlookers'. Sometimes the quarter-sessions would order the whipping to be carried out 'in private' (in the prison yard) as in the case of Grace Davies *alias* Giles, a spinster of St Clements, who in 1759 was convicted of stealing goods of the value of twopence from Anne Lemon. However, in 1772 for the theft of a hundred gallons of flour Mary Allen and Elizabeth Couch were ordered 'to be stript naked from the middle upward and whipt till their bodies are bloody'. Although this would appear to be a response to substantial dishonesty, a woman in Devon received a similar sentence in 1757 for stealing a leg of pork from a butcher's stall.

Eighteenth-century Preston boasted an official known as the Flogger-General, who, in 1786, was one Richard 'Dick' Dickinson, the landlord of a public house in New Street. In that year Christine Fellowes had to be dragged along screaming, fastened to the cart, and scourged at the street corners; at least she was the last woman to be so brutally treated in public in that town.

Wherever a carting was stipulated it had to be carried out through specified parts of the town 'by cause of the narrownesse of the stretes' and to accommodate more spectators. In Hastings, a Catte o' Nine Tayles was used in such instances; among those punished with it were:

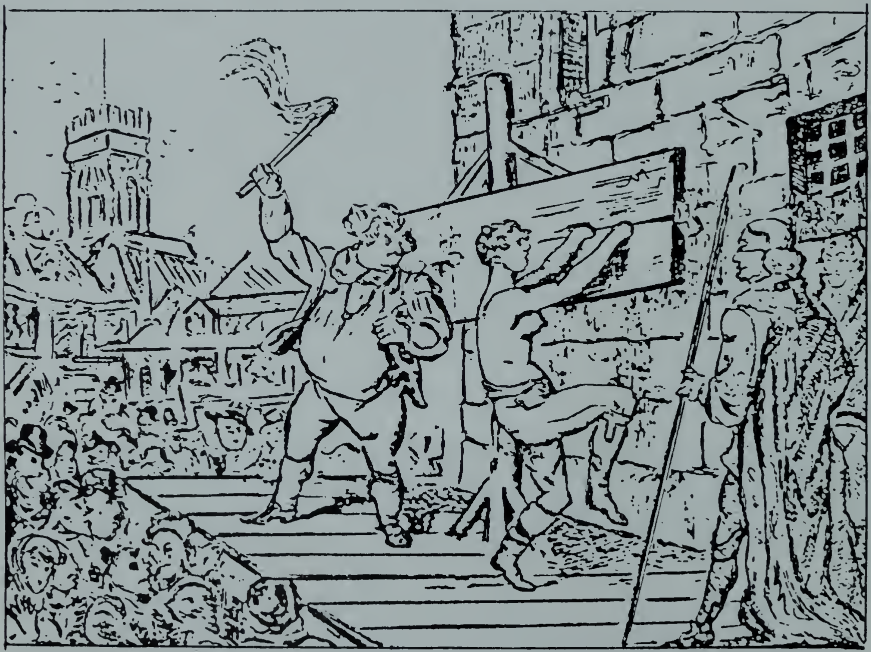
> 1747, Jane Burchett for 'inciting a childe to steale money from hys father'
> 1754, Mary and Elizabeth Relfe 'for stealing one fowle call'd a henne'
> Elizabethe Stevens for stealing a hammer
> 1776, a widow Ann Colbran 'for stealing two handkerchiefs value 10d

Two years later Elizabeth Sargent stole '. . . 29 pieces of silver value 2d, one silver Scissors value 2d', and after being stripped 'from the waiste upward and ty'd to a Cart's Tayl' was whipped at the Old Market Place, the Fishe Market and 'atte The Sundial . . . sixe stripes at each places'. After which she was discharged. The 'Catte' was certainly overworked, and in 1791 William Payne was paid nine shillings for a new one.

In Bristol, where the communal whipping-post at the High Cross was 'an established place and institution', miscreants were also whipped around the town. Two accounts from there give some clue to the sort of female crimes, apart from stealing, which earned such punishment. In 1698, for forging a marriage certificate, a woman 'was lashed on her naked back from the Council House unto the bottom of the Quay'; and in April 1705 Maria Pritchard '. . . for a cheat . . . to be stripped naked to the waist on Friday next and whipped from the Tolzey, down one side of the High Street and up the other side between twelve and one o'clock'.

Not all female crime sprang from dishonesty. In 1764 a woman 'an old offender' was conveyed in a cart from Clerkenwell Bridewell, London, to Enfield, and publicly whipped at the cart's tail by the common hangman, for cutting down and destroying wood in Enfield Chase. She had to undergo the punishment three times.

Perhaps the strangest offence to warrant painful and humiliating punishment was one committed by Mary *alias* Charles *alias* George



Whipping a woman in public for the offence of adopting masculine attire and marrying as a man, c. *1750.*

Hamilton who in December 1746 was tried for 'pretending herself a Man and marrying fourteen wives'. The last of which, Mary Price, deposed that

> she was marry'd to the prisoner and bedded and lived as man and wife a quarter of a year during which time she thought him a man owing to his vile and deceitful practices . . . IT WAS AGREED that she was an uncommon notorious cheat and sentenced to be publickly whipt in Taunton, Glastonbury, Wells and Shipton Malett, to be imprison'd for six months and to find sureties for her good behaviour . . .

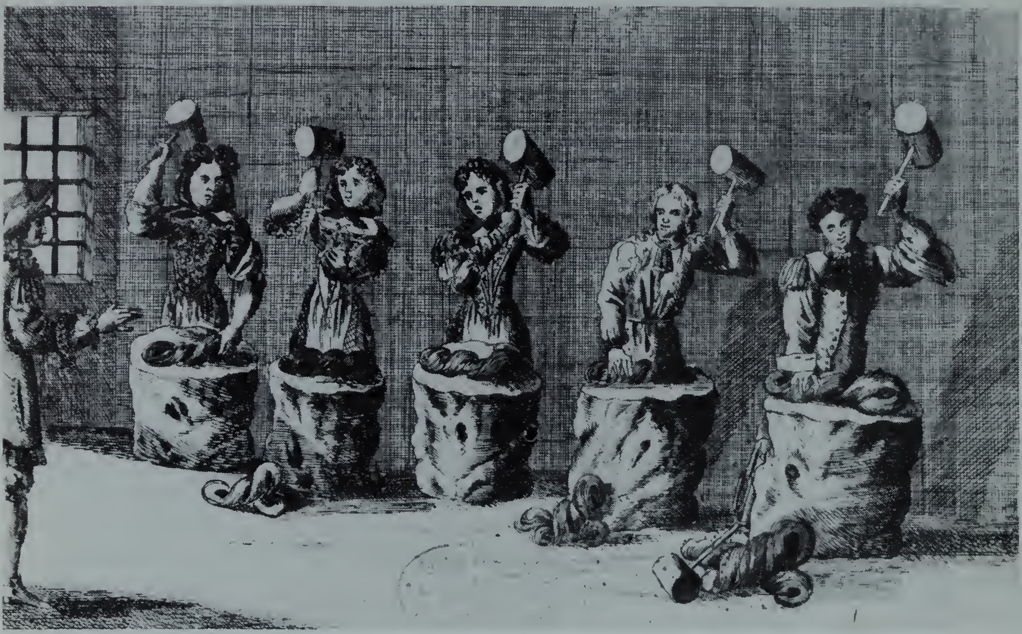
Curious as it may seem, this kind of deception occurred quite frequently, but no reasons have been adduced as to why it was the 'wife' could not distinguish between a man and a woman since in none of the cases was the 'wife' a virgin.

Adopting male guise may have permitted women freedom denied to their sex, but it could have unpleasant consequences. In Glasgow, one young man, sentenced for a minor misdemeanour to be whipped through the streets, was discovered on being stripped to be female, the daughter of a respectable local merchant. She had not been heard of for many years, having run away from home and served as a cabin-boy on a West Indian sugar vessel. As her uncle was a town councillor she was excused public punishment on condition she submitted to be whipped by the matron of the house of correction.

The first and best known house of correccion – Bridewell, which gave its name to similar institutions – was intended originally not so much to punish as to reform. Here vagrants and prostitutes were made to beat hemp, and if disobedient were in turn beaten in the presence of the governor and court. Twenty-four to forty strokes was the normal ration, and the screams of those being punished were overheard by passers-by. It is a measure of female fortitude – and the uselessness of the penalty – that it did not deter prostitutes or ordinary felons from carrying on their business and being sentenced again and again. In fact it was regarded as better than a prison sentence. Immediately painful, but, once suffered, forgotton until the next occasion.

Whippings at that time were with the fearsome cat-o'nine tails – thongs of dried leather with spiked metal balls at the tips. (Some time later this instrument was specified to be of 'nine lengths of whipcord bound at the ends of each thong to prevent fraying, and attached to a short handle; each *tail* to be thirty-three inches in length. This was to ensure bloodshed.) In the original Bridewell each session of floggings had to be overseen by an alderman of the city of London who was connected with the administration.

He sat with a hammer in his hand, and the victim was only released from the whipping-post when the hammer fell. In Charles II's 'Golden Reign' the president of Bridewell (who was also head of the madhouse of Bedlam in Bishopsgate) was Alderman William Turner, an Episcopalian turned Noncon-



The House of Correction or Bridewell showing the punishment of beating hemp for rogues, whores and other vagrant persons, c. 1820.

formist. He had some small pretensions to humanity. When the flogging became unbearable the victim would scream out 'Good Sir William! Knock!' – the knock of his hammer signalling that the torture was to stop. This phrase was the regular agonized plea for mercy which ordinarily would be completely ignored by those watching the punishment, but Sir William was known to be a decent man – at least by the standards of his age – and would often stop the torture before time. It was also said that if the woman was young or comely she would be ordered to attend his office presumably for *correccion* of a less onerous sort.

Another Alderman 'Sir Robert' Clayton gave his name to an insult: 'Oh, good Sir Robert, knock! Pray, good Sir Robert knock!' to be hurled at any woman to imply she had been flogged as a whore at Bridewell.

In *The London Spy* (*The Vanities and Vices of the Town Exposed to View*), which appeared in monthly parts from November 1698, and was published in volume form in 1703, Ned Ward gives a graphic eye witness account of a tour of Bridewell.

> . . . my friend . . . led me up a pair of stairs into a spacious chamber, where the Court was sitting in great grandeur and order.
>
> A grave gentleman whose awful looks bespoke him some honourable citizen, was mounted in the judgement seat, armed with a hammer, like a 'Change broker at Lloyd's Coffee House, and a woman under the lash was in the next room where folding doors were opened so that the whole

> Court might see the punishment inflicted. At last down went the hammer, and the scourging ceased. The honourable Court, I observed, were chiefly attended by fellows in blue coats, and women in blue aprons.
>
> Another accusation being then delivered by a flat-cap against a poor wretch, who had no friend to speak in her behalf, proclamation was made, viz: 'All you who are willing E– – –th T– – – –ll shall have present punishment, pray hold up your hands.' This was done accordingly, and then she was ordered with the civility of the house, and was forced to shew her tender back to the grave sages of the august assembly, who were moved by her modest mien, together with the whiteness of her skin, to give but gentle correction.

Asked what he thought of this form of correction Ward said

> . . . I only conceive it makes many harlots but that it can in no measure reclaim 'em. I think it is a shameful indecency for a woman to expose her naked body to the sight of men and boys, as if it were designed rather to feast the eyes of the spectators than to correct vice, or reform manners, therefore I think it both more modest and more reasonable they should receive their punishment in the view of women only, and by the hand of their own sex . . . their bodies by nature are more tender, and their constitutions more weak, we ought to shew them more mercy, and not punish 'em with such dog-like usage, unless their crimes were capital . . .

Public whippings proved a scant deterrent. They were largely viewed as an opportunity for noisy entertainment. For many a bystander the attitude was 'there, but for the grace of God go I'; or, more likely, 'she deserved it, and more . . .'

Despite the veneer of civilization, our own times proliferate with 'hard porn' books, magazines and videos, depicting the humiliation and punishment of women, catering for wayward male sexual appetites, so that in the past many men must have experienced similar sexual excitement from these spectacles . . . the mass pornography of another age.

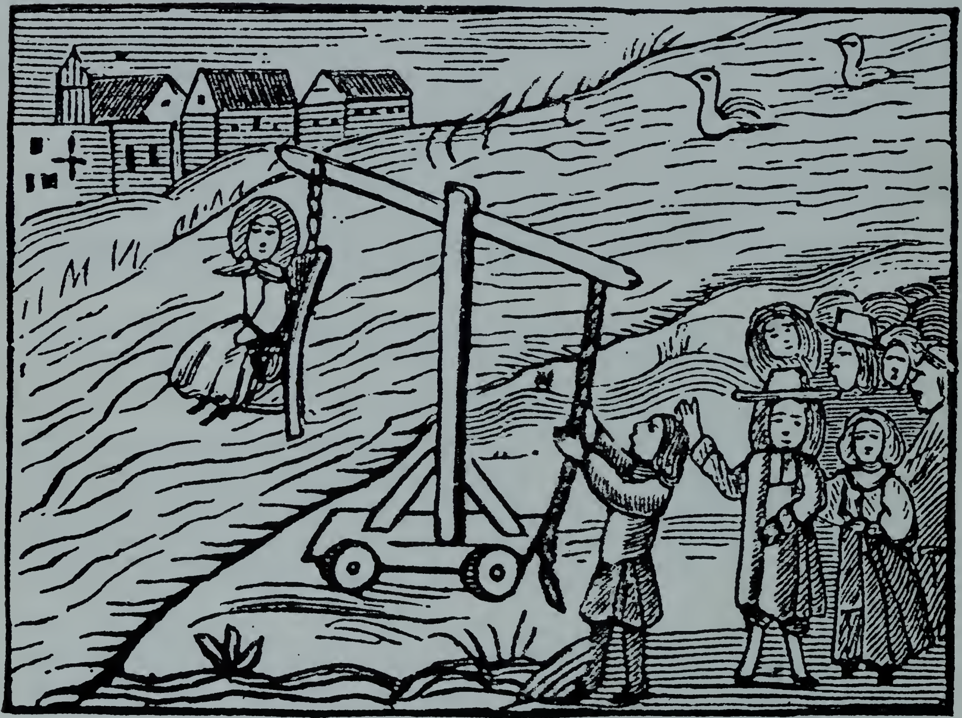
Many of those who sentenced, as well as those inflicting the sentences, assuredly derived sadistic pleasure from their powers over hapless females, whatever their crimes. In 1685 the infamous Judge Jeffreys commanded the hangman:

> I charge you to pay particular attention to this lady. Scourge her soundly, scourge her till her blood runs down! It is Christmas, a cold time for madam to strip. See that you warm her Shoulders thoroughly!

Not until 1817 was an act passed stating 'judgment shall not be given or awarded against any female convicted of an offence that such female offender do suffer the punishment of being publicly whipped'. Private whipping (in prison or house of correction) was still permitted, but, finally, in 1820 another act completely abolished corporal punishment for women.

5 Ducking-stool
The Shaming of the Shrew

Death by ducking, ante *1600.*



The origins of the cucking stool, and its better known successor, the ducking-stool, can be traced back to a Celtic religious punishment whereby human beings were put in a wooden cage and ceremoniously drowned in the nearest river. By Teutonic times this cage had become a wicker hurdle, the 'cackstool' (from an old Norse root *kuka* – shit), on which, as described by Caius Cornelius Tacitus in *De Germania* (*c.* AD 100), 'sluggards, cowards, debauchees, prostitutes, useless members and pests of society and perverts . . . were suffocated in mires and bogs . . .'

By Anglo-Saxon times it was known as the 'kuckstool', and in Rome was called the 'sedes stercoria' – a chair with a hole in the seat – and was used in the coronation of emperors or popes when a lictor intoned

'Remember, thou art mortal' to remind exalted ones they were not gods and had to perform natural functions.

That this punishment was early known in England is supported by a reference in the Domesday Book (1084) for the city of Chester: 'the chair in which scolding women are to be seated and immersed in water'. A set of custumes granted to Preston, Lancashire, about 1160 by Henry II gives further misdeeds warranting a term in the stool: male and female burgesses breaching the assizes for food and drink were fined twelvepence until their fourth and subsequent offences when they were sentenced to 'go on the cuckstool'. A reference to Chester in 1184 exacts higher fines: men or women giving false measures were to be amerced four silver shillings, but for the next offence put either in the stool or pay thirteen silver shillings.

Almost every inhabited place within the kingdom, irrespective of size, possessed a 'stool of infamy', often celebrated by the name of a thoroughfare; in Saffron Walden, Essex, the High Street until the 1820s was still called Cuckingstool End Street, an updated version of *kuckyngestolende* of the fifteenth century.

In the Middle Ages, many lords – and the occasional lady – of the manor, as well as boroughs and towns, were awarded the privilege to inflict punishments for a variety of minor offences committed within their jurisdictions. Such punishments included stocks, pillory, whipping post, cuck-stool and tumbrell.

In 1240 Henry III burdened by economic pressures was compelled to grant further powers to the governors of boroughs and larger towns. In Leicester the king's Statute of the Pillory and Tumbrell specified punishments for dishonest male and female traders who infringed the assizes – the weights and measures regulations. The first three repetitions of an offence merited fines, but the fourth entailed 'the judgement of the Tumbrell or Cucking-stool'. A crime warranting this was committed by butchers 'who bought meat from Jews and sold it to Christians' which provides one of the earliest references to Jews in Leicester. However, even after the Jews were expelled in 1290, Christian traders were 'fiddling' the assizes of food and drink.

In Leicester's borough hall book appears this paragraph which was never publicly 'Proclaimed':

> For scoldys. Also that alle maner scholdys that are dwellyng withinne this town, man or woman, that are founde defectyf by sworne men before the Maire presented . . . to ponyssh them on a *cukstool* afore there dore as long as hym lyketh and thanne so to be caried forth to the iiii gates of the town

The scoldys' offence was not criminal but liable to lead to a breach of the peace, so they were to be shamed by being seated before their own front doors on the town's cuck-stool (housed in the town hall and taken out as required) and then, further humiliated by being trundled in it round the town to the four gates and back home. In 1467 some scolds were: 'On the Thursday before St Simon and St Jude's Days, (sentenced) by the Maior . . . on the duckstool before their own doors and then carried to the four gates of the town . . .'

At this stage there was no ducking, but a warning was implied: further misbehaviour meant an offender would be carted about the town and then ducked. The ducking ranged from one warning dip to several for regular offenders. For parading offenders through the town the stool was bolted on to a wheeled platform – the tumbrell. This was also known as the scolding cart and utilized as a separate punishment, mainly for whores.

Proof that the apparatus was regularly used is found in the town chamberlain's accounts for repeated repairs and renewals:

1548	Paid to John Croft for makynge the Cookstolle	v.s (5/–)
1552	Paid for mendynge the Cuckstole two tymes	viij.d (8d)
1558	Paid to Robert Crofts for makyng the Duckstoole	xvj.d (16d)
1563	For makinge the Cuckstoole	xvj.d (16d)
	To Wm Yates for making pynnes & bands for some	vj.d (6d)
1566	Paid to Robert Bylborough for certen wood and bordes for repairinge the Coockstole	xjj.d (12d)
	Paid for nayles for the same Coockstole	ij.d (2d)
1578	Paid for newe Cuckstoole	xiij.d (14d)

There were incidental expenses too: for immersing an offender and for carrying the stool to the riverside 'under the West Bridge' which in 1603 cost threepence. That by 1647 the cost of a new stool had risen to sixteen shillings and sixpence suggests inflation is nothing new.

In 1651 Elizabeth Harris, charged with uttering abusive language towards the two daughters of Thomas Wigston and throwing water and dirt over them 'was put in the cuckstool and drawne from the Bare Crosse to John Wilson's dore'. It must have been even noisier in Redcross Street on 27 June 1654 for while Thomas Goadby was walking along it:

> . . . one Anne Ramkin, a widdow . . . came up to him and did use manie railinge wordes, calling him a knave . . . that Clarke's wyff did pine for her husband in the *Spikehouse* [the prison]. The sayd widdow Ramkin was sent home on the cuck-stoole

Richard Pole's wife also 'rayled against Anne Clarke . . . that he had brought home cloth worth three pounds' (he had stolen the cloth). She too was sent home on the corporation cuckstool. 1776 saw the last use of Leicester's ducking-stool, and for another Redcrosse Street woman, the wife of a sergeant in the militia. Even in front of the justice she 'used her tongue so scurrilously' that he ordered her to be put in the ducking-stool at the West Bridge 'where the Horse Water formerly existed'. Spectators jeered at the sergeant's lady during this damp performance.

The ducking-stool was usually situated in some central area, close to a stream or pond where people congregated. In 1655 Preston's stool was ordered by the Court Leet: 'To be sett upp on the wall of the washing poole at the ende of Churchgate where women attende to washe theyre clothinges'. Whether its presence did warn women to mind their tongues is a moot point, since in Preston around this time circulated a popular saying

> A smokey house and scoulding wife
> Are two of the greatest plagues of Life.
> The first can be cur'd, t'other can'
> For 'tis past the power of mortal man.

However, Devon and Cornwall must have believed in the ducking-stool treatment, since it was employed as the most common means of punishing scolds, even used to dip 'old women supposed to be witches' up till 1760.

The eighteenth century poet and playwright, John Gay, presents a verbal picture of a ducking scene in *The Duress*:

> 'I'll speede me to the Pond, where the *High Stool*
> on the long Plank hangs o'er the muddy Pool;
> That Stool, the dread of ev'ry scolding Queane . . .

Where there was no such water the tumbrell, a low-slung cart on four (sometimes three or two) wheels, was used so the apparatus could be pulled by horses to the ducking-place. In 1544 it was stated that the tumbrell was used 'onli for ladies of higher rank as being more honourable . . . a scoldinge Dame entitled to such a distinction was as proud of it as a nobleman claiming the distinction of a silken halter to be hanged with'.

A further refinement was a swivel which enabled the seated victim to be seesawed vertically or horizontally and ducked as many times as decreed by the magistrates . . . or the degree of local malice exercised by onlookers. In the Great Reservoir in London's Green Park during Henry VIII's reign there was a ducking-stool on this seesaw principle.

In Broadwater, Sussex, a post was driven into the ground at the edge of a pond; fixed to it was a beam carrying the stool. This beam could be moved horizontally and bring the chair to the pond's edge, so the seated victim could then be swung out over the water to be seesawed for the requisite number of duckings. When not in use, and to prevent misuse, the end of the beam was padlocked to the ground. Broadwater's design, repeated in Manchester and Rugby, seems to have been popular.

Frequent references to cuckstool-pits appear all over the country: in Nantwich, Cheshire, the pool in Cartlake Lane was known as the Cuckstool Pit; in Beverley, Yorkshire, there is mention of a cuckstool-pit early in the fourteenth century in Saturday Market and there was another in Cuckstool-pit Lane, later called Tiger Lane. A fourteenth-century reference from Kingston-upon-Hull mentions: 'all such emerged from the ordeal in *stercore* [shit] from the cucking-pit, which adjoined the ancient sewer'.

From this we can deduce that unfortunate women were often ducked in latrine pits rather than ponds or streams. Although this cold, wet, malodorous and filthy treatment was intended as a 'light' corrective it sometimes ended in tragedy. In London in 1244, young Anne of Lodberie was drowned while being ducked in the churchyard of St Giles, Cripplegate Without. She was undoubtedly a prostitute, as well as a scold, since Lothbury (where the Bank of England now stands) was an early 'whores-nest', only a stone's throw from Gropecuntelane in the Poultry, a 'red-light district' from Anglo-Saxon times to 1450.

As may be imagined, wherever folk gathered at the local washing-pond, well or market-place there would be noisy disputes and salacious gossip. This could on occasion provoke fights as well as cursing and scolding. Epithets hurled were crudely colourful: in 1601 Cecilia ap Ievan called Katherine Dodd 'a Sowe, a drunken whore and jade, a drunken pisspott and drunken sockette' (the last implying her vagina was overstretched through whoring). However, before it was agreed any woman needed ducking, others would have endured her tongue-lashings for a long time. A quarter-sessions record from Wakefield, dated 1692, presents a typical situation:

> fforeasmuchas Katherine Hall and Margaret Robinson . . . are grete disturbeours and disquieters of thier neighboures . . . by reason of thier daily scoldinges and chydering the one with the other For The Reformacyon thereof ytt ys ORDERED that yf they doe hereafter contynue . . . thenne JOHN MAWDE the high Constable . . . shall cause theym to bee soundly ducked or cucked on the cuckstoole . . . for the sayde misdemeanoure . . .

Therefter, Katherine and Margaret could hardly claim they had not been warned.

Occasionally the stool was used as a retrospective punishment. Being a port Kingston-upon-Hull was the setting for uninhibited behaviour. In an attempt to curb this, in November 1620, the Archbishop of York instructed the 'Bench of Magistrates and Aldermen' to ensure:

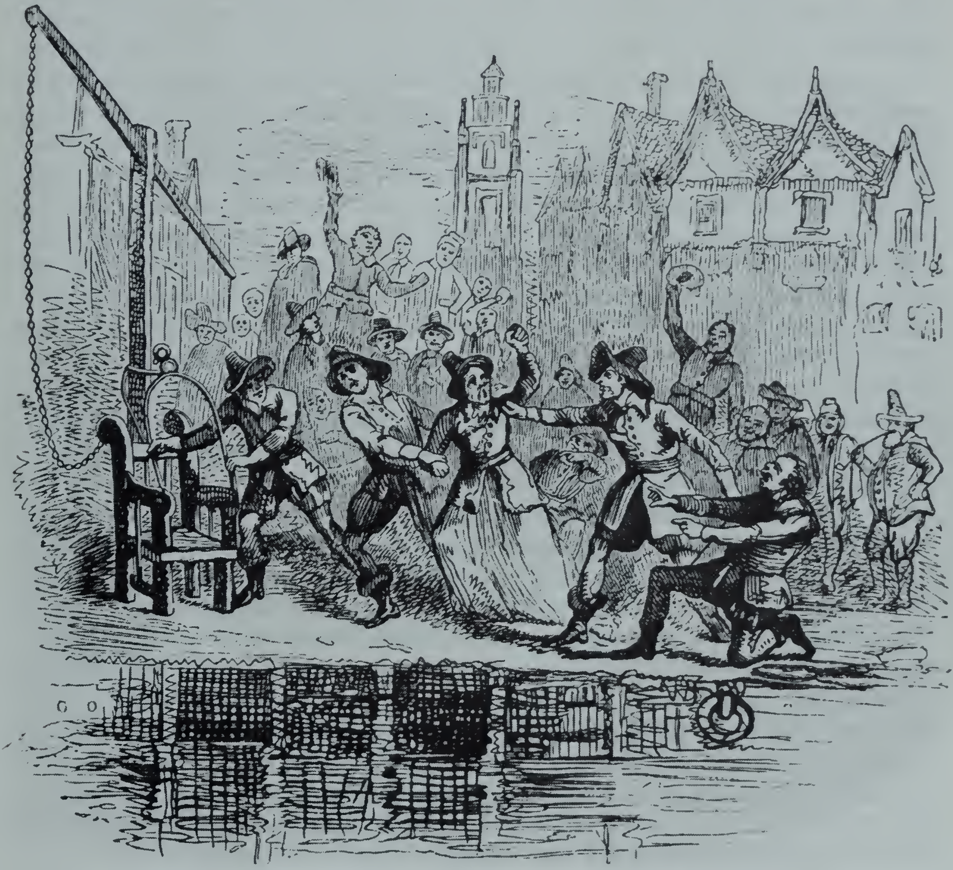
> that all such as had beene faulted for bastardes shulde be carted abowte the Towne and then ducked in the water for the faultes for whiche they have hithertoe escaped punyshmente

The French chronicler, François Misson who visited England about 1700, described the quaint old English custom of ducking women in his *Travels in England*, and provided a detailed account of one type of stool:

> . . . They fasten an arm chair to the end of two beams, twelve or fifteen feet long, and parallel to each other, so that these two pieces of wood, with their two ends, embrace the chair, which hangs between them upon a sort of axle, by which means it plays freely, and always remains in the natural horizontal position . . . that a person may sit conveniently in it, whether you raise it or let it down. They set up a post on the bank of a pond or

> river, and over this post they lay . . . the two pieces of wood, at one end of which the chair hangs just over the water. They place the woman in this chair, and so plunge her into the water, as often as the sentence directs, in order to cool her immoderate heat.

Misson advocated this as a 'pleasant enough' way of punishing scolding women. Pleasant for the beholder perhaps. Not so for the hapless victim, however scathing her tongue, like Jane, the wife of William Farrett, a shoemaker of Selby, who in October 1671 was ordered by the Wakefield sessions to be ducked three times 'over the head and ears'.



A ducking at Ipswich, 1730, from Chamber's Book of Days.

Before Caxton's printing-press began to give the first indications about spelling there was no overall English language, but only congeries of related dialects which became a cohesive language in Tudor times; small wonder then the stool had a bewildering variety of spellings and titles. In Totnes, Devon, it was known as the 'skylvngestole', yet not far away in Buckland Brewer it was called the 'kelvinstool'. In some areas, such as Bewdley in Worcestershire, it was called the 'gome-stool' – the local pronunciation of 'gong' or 'dunging stool': 'gong-farmers' – mediaeval refuse-collectors. It was also known on occasions as the 'cuckolding-stool' in which unfaithful wives were compelled to sit.

Rather as there was no uniform title or spelling, so there was no legal requirement as to the stool's construction. Thus there was considerable diversity in size, shape and workmanship, depending upon the aptitude of local craftsmen, as well as the ability of the parish, borough or city to pay for installation and upkeep. The parish books of Southam, Warwickshire, for 1718, show how much time, trouble and money were spent on erecting a ducking-stool. 3s 2d was paid to send a workman to Daventry 'to make a drawing of the ducking-stool there'. Back in Southam he constructed the stool and received a further £1 1s 8d for labour, material, and fixing, plus another ten shillings for painting it; which comparatively large sum suggests Southam's authorities required the artistic ornamentation and pithy quotation found on such as the Sandwich square wooden stool where the arms were painted with figures of men and women scolding and cursing, and inscribed on its back 'Of Members ye tonge ys worste or beste; an yll tonge oft doth breede unrest'. The blacksmith was paid 4s 6d to 'furnish the ironwork' with an extra halfcrown to carry the contraption 'to its proper place'. There, it was found necessary to deepen the pond 'to play its proper *rôle*' costing another 9s 6d. The eventual total expenditure to Southam's burghers was £2 11s 4d which was considered excessive; presumably they found the end result worth the money.

Ipswich's stool was strongly made with an iron framework by which it could be fitted to a crane or a lever for raising and lowering. Plymouth's stools were both constructed of iron. Nottingham's, known as the Town Chair, was a crude wooden box-like affair open at one side and capable of holding several seated offenders at one time, with their heads pushed through holes in the sides, rather like a mobile pillory. The back-rail of Canterbury's stool bore the legend 'Unfaithful wives beware, also butchers, bakers, brewers, apothecaries, and all who give short measure'.

In Wiltshire, Marlborough's ducking stool, situated on the bank of the River Kennet at the bottom of Granham Hill, was unusual, and probably due to rough handling by the 'mobb' required frequent repair and renewal. This chair was fixed to a long wooden beam set on two wheels. At the opposite end was room for half a dozen of the locals to push 'thereby raising the chair high in the air to frighten her' and in that position parade the errant woman through the town 'to the jeers of the population'. Arriving at the river bank 'all let go of their hold and she plummetted with a great splash' into the running stream. One immersion sufficed so long as she held her tongue, but if on regaining her breath she, not surprisingly, shouted abuse at her tormentors they would repeat the performance singing and reviling her 'until she was nigh drowned or frightened to death'. In 1625 a man was paid fourpence 'for his help at cucking Joan Neal'.

Wiltshire also possessed another unusual stool at Wootton Basset.

This was of the tumbrell type. The oak chair bears the date 1686 on its back and its seat has no aperture. The woman was securely tied into the chair before it was fitted to a long pair of shafts slung on to iron-shod wheels. A pair of constables wheeled the contraption to Weir Pond. When they released their grip the shafts shot up into the air and the victim was tipped *backwards* into the water. Only when the shafts were hauled back by means of ropes attached to them could she be released 'gasping for breath, half-drowned and suffering from shock'.

Warwick boasted a stool at the end of a beam which acted as a fulcrum leaving the chair hanging 'to plunge the woman into the water as often as it takes to cool her immoderate heat'.

The long existence of a ducking-stool in any particular place is often only verified when it fell into disrepair and some local worthy was called upon to ensure its repair. The tumbrell in Lyme Regis, Dorset, put there by one of Henry II's statutes, was known because in 1583 the court ordered the mayor to have it 'repaired and maintained from time to time according to this Statute'. The stool was kept in the church porch whence it could easily be moved on its tumbrell when needed. This tumbrell was also used for cartings of vendors of 'stynkynge rabbits, eeles, capons' as well as 'false swearers' who afterwards were put on the stocks or pillory.

Records everywhere show constant demands for money towards repair and renewal, and equally constant refusals or dilatoriness in paying for replacement of 'decaied' equipment, so that often several years elapsed before repairs were made, leading to legal action against the individuals responsible for the stool's maintenance. In 1705 in Chelsea Court Leet: 'Amerced my Lord Cheyne for not repairing the Cage & Stocks & not erecting a new cucking-stool'.

Some areas were in no haste to spend money on installing these 'engines of punishment' even to silence their scolds. In Berkshire, Newbury's ducking-stool was eventually set up on one side of the wooden bridge over the River Kennet in the early seventeenth century only after the constables had been threatened with a hefty fine.

The stool at Neath in Glamorgan (Wales) served for the shaming sitting upon and also for a ducking, since once the *pynn* – the holding bolt – was removed the stool tilted into the ducking-pond. The laws of the town for 1542 ordained:

> if any woman doe scolde or rage any Burgess or hys Wyfe or anie other Person and hys Wyfe, IF SHE BE found faultie in the same by sixe men, then shee to be brought at the first defaulte to the Cooking-Stoole and there to sitt one houre; at the seconde defaulte twoe houres and at the thirde defaulte *to let slipp the pynn* or else pay a good fyne to the Kynge'

In Scotland the stool appears around 1500. In 1555: 'IT WAS ENACTED by the Queen Regent of Scotland that itinerent singing women shulde be set on the *cuck-stoles* of every burgh or towne'.

The *Homilie Against Contention*, 1562, declares that in all well-ordered cities 'common brawlers and scolders' must be punished 'with a notable kind of pain' such as the cucking-stool and in the *Actes Marie* 1566: '. . . that every women perturbatouris for skafrie (extortion or blackmail) of money or utherwyse shalbe taken, handled and put upon the cuckstulis of everi burgh or town'.

These included that perennial bane of monarchs and mayors: the ale-wife. Mary's *Regiam Majestatum* warns:

> GIF ANIE AILL-WYFF make evill ail, contrar to the use and consuetude of the burgh & is convict thereof, shee shal paye an *unlaw* of aucht (eight) schillinges, or sal suffer the justice of the burgh, THAT IS shee sal bee put upon the *cock-stule*

Britain's ducking-stool, employed to frighten, shame and curtail age-old petty fraudulent practices, was perhaps less vicious in intention than elsewhere. In Strasbourg there was *Der Schupfstuhl* – the shaking stool, from the Old German *Die Scupha* – the seesaw or shaker. In the City of Erfurt women were ducked savagely in *Der Kack-schupfe* – the shit-shaker, in a dung pool. In France a prostitute might be put in a large iron cage and immersed in deep water until she drowned; although there was also *La Conquine* (a corruption of the French 'coquine', a hussy) which dealt with sluts and was probably similar to the cucking-stool.

Mention of ducking conjures an image of a woman being punished but men sometimes suffered a dousing. In Ilminster, Somerset, men could escape ducking by paying a two-shilling remittal fine – an alternative not open to the womenfolk until about 1700. The *Northampton Mercury* of 30 June 1735 reported how John Kinsman of Naseby was dragged 'to the great pond at Kelmarsh where he was most severely handled and ducked in the Cucking-stool there' on suspicion of 'being a Wizzard'.

Throughout its long history the ducking-stool has exercised the wit of poets and playwrights. Samuel Butler in *Hudibras* (written between 1663 and 1678) proclaims:

> Those mounted on a chair curule [chair of high office]
> which moderns call a cucking-stoole,
> march proudly to the riverside
> and o'er the waves in triumph ride!'
> Like Dukes of Venice who are said
> The Adriatic Sea to wed,
> And have a gentler wife than those
> For whom the State decrees these shows.

Beaumont and Fletcher in their *Tamer Tam'd* declared:

> We'll ship them oute in cuck-stoles
> There they'll sail
> As brave as did Columbus

Of course jests about this means of silencing women courted popular humour – equivalent to the 'mother-in-law' joke. In *Homer a la Mode* (1665) the author stigmatizes a woman with:

> Shee belonged to Billingsgate,
> and oftentimes did ride in state
> and sat in the bottom of a poole
> inthron'd in a cuckinge-stoole

It is noteworthy that all of them refer to the cucking-stool and not the ducking-stool. Even as late as 1746 the chapbook, *Poor Robin*, postulates:

> Now! if one cucking-stool was for each scold.
> Some Townes, I ween, would not their number hold!

But, a tit-for-tat warning appears in *Whimsies* (1631) when the husband:

> vowes therefore to bring her all
> disgrace unto the cucking-stoole
> While shee vowes to bring him
> with all contempte
> to the Stoole of Repentance

Kirkby, Yorkshire, provides a real-life example of such rough but even-handed justice when a husband applied to the magistrate 'to have his wife duck'd'. He was then informed 'both were equally to blame'. The couple were 'chair'd by the Constable' who, cheered on by the onlookers, 'plunged both into the cold waters of the ducking pond'.

The biter being bit occurs in an acid anecdote in *A Newe Helpe to Discourse* (1684): some gentlemen saw an old woman spinning by the side of a ducking-stool; one of them asked her jocularly what the chair was made for, to which she retorted, 'Ye know full well what it is'. In disclaiming knowledge he replied, 'No, not unless it be the chair you use to spin in.' 'No!', said she, 'It is the cradle your good mother has often layn in!'

Given so many written references to the stool it is odd that the earliest illustration of a ducking-stool is in an Elizabethan chapbook (about 1560), *Strange and Wonderful Relation of the Old Woman who was drown'd at Ratcliff Highwaie a fortnight ago.*

Around this time the ducking-stool began to be used as a punishment for prostitutes and bawds. William Harrison in his *Description of England* (1587) complains:

> Harlots and their Mates, by Carting, Ducking & dooing of open penaunce . . . howbeit this is counted . . . as no punishment at all . . . it is small regarded . . . I wolde have some sharper law . . . for what grete smarte is it . . . after a little washing in water . . .

He advocated harsher treatment: the dragging of the women along the Thames between Lambeth and Westminster at the tail of a boat, bound hand and foot with a rope around their necks

> . . . I wolde wishe theym to be made bond or slaves . . . or contemned to the galleys

which he contended would be better than half an hour 'in a sheete standing as penaunce be the weather never so colde'. The sixteenth-century Puritan Philip Stubbs thought ducking a useless punishment – drowning was his preferred option.

So his shade would have applauded when in 1731 Nottingham's mayor, Thomas Trigge, ordered a woman be put in the cuck-stool for prostitution, and 'left to the mercy of the mob'. She was 'duck't too muche and severely' that she drowned. The mayor was indicted and prosecuted 'for his neglect in not providing an official or constables to protect her according to law'.

The city of Westminster may have shared a certain sympathy with Harrison's views, for on 6 August 1611, Maudlin (Magdalen) Tichon of the parish of St Martin's:

> had misbehaved herself in Scoulding and Abusing of her Neighbours with moste reproachfull Speeches . . . it was Ordered . . . that according to the antient Custom of the Citty [of Westminster] she should be fastened to a Boats Tayle and so be drawne through the Water to the other Side of the Thames . . . this afternoon . . .

However, Westminster's burgesses seem to have discarded this refinement, and on 8 February 1614 when Grace Perryman, the wife of a respectable brewer of St Martin's, was found to be 'a disorderly liver disquieting and disturbing of her neighbours with continuall Scoulding and carrying of Tales from neighbour to neighbour . . .' she was threatened only with a regular ducking. From then on, it is recorded 'that ducking was simply in the River Thames or at some convenient spot' such as the pond 'at the rear of the Royal Mews at Charing Cross'. The royal stables were conveniently next to Hedge Lane's whores-nest so that common whores and royal steeds shared the same bath.

In London and its environs the location of many stools is attested by frequent mention of ducking-ponds and horse-ponds, since the latter were also used for the former purpose. The *Liber Albus* mentions the ducking-stool serving the city in 1384, and an ordinance of the Common Council in 1468, dealing with bawds and whores, states:

> . . . If she shall not be ware of the two Warnynges, the thyrd tyme are to be judged to the Pyllory or into the Cockynge-stole; but fyrste to the Cockynge-stole and afftyr to the Pillory

which promised a 'no win' situation for the city's 'Daughters of Joy'.

Across the river in Southwark, the cuck-stool is mentioned in connection with the Bishop of Winchester's 'Liberty of the Clink' in 1161. In three of the clauses of the ordinance of the Stewes, the madams and whores from the bishop's eighteen brothels were to be put on the cuck-stool and fined, and then put in the Clink or expelled from the Liberty. Thrice in the stool was mandatory, the fine ranging from 3s 4d to 6s 8d.

The ducking-stool stood by the stairs at the Bank End, which was a wharf on to which the trebuchet was wheeled (although at an earlier period there must have been a fixed ducking-stool on Bankside). Its presence was obligatory: an ordinance of 1187 required the lords of the manor or leets also to have a pillory. There was a 'Cookynge-stoole' here in 1580 when Pears the Joiner made a new one. As an alternative punishment adjacent stood a whipping-post much used for chastising women of dubious moral probity.

In 1640 the Commissioners for Sewers charged the owners of property 'adjoining upon the sewar . . . running by the Cucking-stoole near the Clinke . . .' By then, however, ratepayers were objecting to paying for cages, pillories and stools, so that in 1660 the Surrey quarter-sessions recorded 'a multitude of people were presented . . . in various parishes for refusing to pay for the upkeep [of these items] . . . in the Libertie of the Clink'.

With Henry VIII's disestablishment of the monasteries in 1539, measures were taken to control madams and prostitutes, who until then had been subject to the regulations of the Bishop of Winchester's franchise. No longer could the city's loose women be exiled across the river. In 1544 it is recorded that:

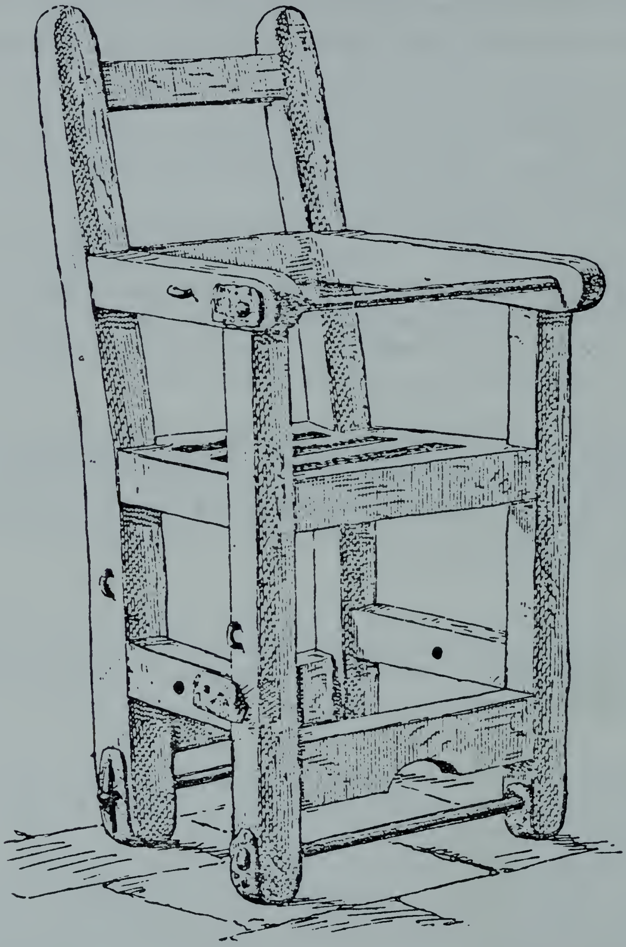
> Ye Lorde Mayor (then Richard Dobbes) hadde punisshed manie harlotts of the Stewes by dobbinge them in the Thames onn ye cookyngestoole at ye Three Cranes in ye Vintry

(The chronicler must have possessed a sly sense of humour in using the Mayor's name thus.) This record provides one of the few clues to the site of a ducking-stool within the city's boundaries.

London's communities were compelled to have certain instruments of punishment. There was a ducking-stool on Hampstead Heath, and another at the green in West End Lane 'callyd *lerudyinge*' on the estate of the Prioress of Kilburn. In 1552, the inhabitants of Edgware 'were presented for nott having a tumbrel or cucking-stool'. Obviously, if such were not available a sentence could not be implemented. In the quarter-sessions at Hicks Hall, Clerkenwell, in 1641 it was noted that, 'Sibille, wife of George Bowes of Totenham . . . Yeoman . . . a common scoulde . . . shee is fyned vj.s viij (6s 8d) . . . the Sheriff is to cause her to be cucked in some convenient place.' And to ensure a 'convenient place' on 26 June 1645, the Middlesex sessions sitting at Hicks Hall:

> ORDERED that each parish within the City and Liberty of Westminster do before the next General Sessions, provide and set up in some convenient place, a Whipping-post and a pair of Stocks & a Cucking stool . . . upon pain of the Forfeiture of FIVE POUNDS . . .'

From early Tudor times there were several ducking-ponds and stools in what is today's Mayfair. Grafton Street was known as Ducking Pond Row well into the Victorian era. In Hertford Street, close by Shepherd Market, lay Ducking Pond Mews, now partly covered by The Dog and Duck public house. In the 1700s it degenerated into a pond where ducks were hunted by fashionable beaux at twopence a ticket. Many such ponds were happily fated to become nothing more sinister than impermament homes for water-fowl. Pepys noted in his diary for 27



The Scarborough ducking-stool. Formerly placed on the old pier, it was last used in about 1795 when a Mrs Gamble was ducked.

May 1664 that on a walk to Islington via Clerkenwell Green he recalled the ducking-ponds in those areas from boyhood, implying they had become merely ponds where ducks were hunted. Lack of references to ducking in the Middlesex sessions' registers after about 1680 suggests this punishment was losing its charm at least within the spreading metropolitan area where women could expect instead harsh treatment in prisons and bridewells or painful humiliation on the pillory.

However, it was over 120 years before other parts of the country dispensed with ducking their womenfolk.

Before the Conquest, apart from London Bridge, the other principal way across the Thames was by the wooden bridge in the borough of Kingston-upon-Thames in Surrey which is one of the oldest urban settlements in the land. The 'Cockynge-stole' was sited somewhere near the bridge, 'outside the Queens Head Alehouse' enabling scolds and other shrewish females to be ducked in the Thames. The parish register for 19 August 1572 records how:

> wyffe to Downing, grave maker of this Paryshe, shee was sett on a newe cucking stoole made of gret hythe [height] and so browght a bowte the markett place to Temes brydge And ther hadd iii Duckynges over hed and eres [ears] because she was a common scolde and fyghter

To judge by the numerous items for repairs and replacements to the stool and tumbrell, the Kingston areas possessed a fair share of 'scoldes' and 'fyghters'. Duckings were 'repeated according to the degree of shrewishness . . .' A note for 1678 of a woman being 'moderately ducked' probably meant she was just dipped because her offence was minor, or – more likely – the official in charge had been bribed.

Around 1700 the old cucking-stool, 'a kind of chair without legs, fixed at the end of a long pole' was kept in the town hall yard. Occasionally, punishment was avoided: once when the stool was stood 'at the door of a house in the Shambles Lane, the woman managed to get out of the house so escaping the ducking intended for her'. It was also placed in front of a house as a mark of disgrace which happened to a Bond Street woman who had previousy done penance in St Margaret's Church for slander.

Such duckings 'under Kingston Bridge' provided public entertainment. When in April 1745 'the woman who keeps the Queen's Head alehouse' was ducked for her scolding it was before an audience of two to three thousand. Kingston's stool was last used in that year, but even before then authority must have realized the punishment was losing its efficacy. The local newspaper for 14 October 1738, reported:

> an elderly woman, notorious for her vociferation, was indicted for a common scold, and the facts alleged being fully proved, she was sentenced to receive the old punishment of being ducked, which was accordingly executed upon her in the Thames by the proper officers, in a chair for that purpose preserved in the town; and to prove the justice of

> the court's sentence upon her, on her return from the water-side she fell upon one of her acquaintance, without provocation, with tongue, tooth and nail, and would, had not the officers interposed have deserved a second punishment, even before she was dry from the first.

Kent had its supply of cucking- and ducking-stools. Canterbury's 'cokeynstole' was originally situated at Abbotts Myll. Between 1576 and 1586 'harlottes were ducked therein'. During the Commonwealth the stool was removed, but it was brought back with the Restoration to accommodate 'nightwalkers, scolds and women of evill fame'.

Nearby Fordwich boasted a ducking stool from early in the fifteenth century. On 12 December 1465:

> Joan, the wife of Robert Ley was presented by the Grand Jury for being a common scold to the annoyance of her neighbours; she was fined sixpence and ducked in the ducking-stool in the River Stour

Two hundred years later Dorothy Stretcher faced the identical charge for the identical offence and met the identical fate plus sixpenny fine.

Sandwich's ducking-stool dates from at least 1534 when two women were banished for immorality, and it was recorded:

> that if they shall return, one is to suffer the pain of sitting over the *coqueenstool*; the other to be set three days in the stocks with an allowance of bread and water only and then placed in the *coqueenstool* and dipped to the chin

In 1637 most of the townsfolk must have gathered to watch a woman who before being ducked for 'speaking ill of the Mayoress had to carry a heavy wooden mortar throughout the town hanging on the handle of an old broom upon her shoulder, with one going before her tinkling a small bell'.

As an additional punishment offenders often had to carry a wooden mortar around a town.

At Seasalter, Kent, in 1612, Alice, wife of Thomas Crathorne, a victualler, was ducked following a charge of being 'a common swearer and a brawling scould, and withal exceedingly drunk' . . . or over-victualled.

There was a tumbrell-type ducking-stool on the banks of the Thames at Gravesend, known as the Horse-wash, which the Corporation accounts show as being regularly repaired. In 1636 porters were paid 2s for ducking Goodwife Campion and 8d for laying up the ducking-stool afterwards.

The stool at King's Lynn, Norfolk, must have been similar, for around 1250 Simon de Mynthynghe was paying rent 'for a house next to the tumbrell situated beside the Colville fleot', a small stream now buried under Broad Street. By 1587 the stool was described as 'a seat of infamy where strumpetts & scouldes abide the derisioun of all who pass by'.

Two such were 'the widow Parker, as well as the wyff of John Wanker, both common prostitutes . . . carted and ducked . . .'

There must have been a good deal of misbehaviour because the ducking-stool needed repairing, and in 1663 the court leet fined the town two pounds for not maintaining it according to ancient custom. It was re-erected 'to the Purfleot near the Customs House' where in 1754 'the loquacious Hannah Clarke was duck'd for scolding'.

Rugby's duck-stool stood on the west side of the 'Horse Pool neare the footpath from Clifton Road unto the Church yarde'. It apparently inspired the poet Benjamin West, of Weedon Beck, Northamptonshire to include in his *Miscellaneous Poems* (published in 1780) 'The Ducking Stool' with a jocular footnote 'To the honour of the fair sex in the neighbourhood of R– – –y, this machine has been taken down (as useless) several years).

There stands my friend, in yonder pool
an Engine called the ducking-stool;
By legal Pow'r commanded down,
The Joy and Terrour of the town.

If jarring females kindle strife,
Give language foul, or lug the coif;
If noisy Dames should once begin
To drive the house with horrid din
Away! you cry, you'll grace the stool
We'll teach you how your tongue to rule.
The fair Offender fills the seat
In sullen pomp – profoundly great.

Down in the deep the stool descends –
But here, at first, we miss our ends;
She mounts again and rages more
Than ever Vixen did before.

So, throwing water on the fire
Will make it but burn-up the higher.
If so, my friend, pray let her take
A second turn into the lake.

And rather than your patience lose
Thrice and again repeat the dose.
No Brawling Wives, no furious Wenches,
No fire so hot, but water quenches.

Warwick's stool was alleged to have been copied and erected at the old wooden Magdalen Bridge in Cambridge. Records from the vice-chancellor's court, during the reign of Elizabeth I tell how 'Jane Johnson, adjudged to the ducking-stool for scolding, had her sentence commuted to a penance upon payment of a fine of five shillings'. Jane was more fortunate than Katherine Saunders, who 'accused by the churchwardens of Saint Andrews for a common scold and slanderer of her neighbours, was adjudged the ducking-stool'.

When Magdalen Bridge was rebuilt in stone in 1754 the stool was taken away, but the historian, John Cole, writing in 1780, recounted how when he was a lad living in his grandparents' house at the foot of the then wooden bridge he witnessed a woman ducked for scolding:

> The chair hung by a pulley fastened to a beam about the middle of the bridge, in which the woman was confined and let down under the water three times . . . the ducking stool was constantly hanging in its place and on the back panel was engraved Devils laying hold of Scolds. Some time later a new chair was erected . . . having the same Devils carved, well painted and ornamented . . .

Coventry possessed two fixed stools: one on Grey Friars Green (formerly known as Cheylesmore Green) next to the Horsepool, and the other by the bridge adjoining St James (sometimes known as the Lepers Chapel). The earliest reference comes from the City's leet books dated 1423: 'Allso yet yt bee a cokeestowle made apon Chelsmore grene to punyshe skolders and chiders as ye law wyll'. But the numbers of scolders and chiders did not abate, and the leet book of October 1597 declares:

> Whereas there are divers and sundrie disordered persons [women] within this citie that be scolds, brawlers, disturbers, and disquieters of theire neighbors, to the great offence of Almightie God and the breach of Her Majestie's peace; for the reformation of such abuses, it is ordered and enacted at this leet . . . they shall be committed to the cooke stoole lately appointed for the punishment of such offenders, and thereupon be punished for their deserts, except they, or everie of them, do presentilie paie iijs iijd for their redemption from that punishment to the use of the poore of this citie

There must have been a lot of 'disordered persons' because thereafter the city accounts contain numerous references to repairs to the stools.

In 1772 a quick ducking might just have saved the life of Mary Close:

> . . . living in Gosford street was so excessively addicted to dram drinking as to consume a quart of Rum or Aniseed-water daily, thus filling all the Tissues of her Body with Spirits, becoming as inflammable as Fire-damp . . . she perished from spontaneous combustion whilest in Bed being almost entirely consum'd and her Bones calcin'd

In Northampton it was unusual for the higher courts to be involved in cases meriting ducking, which, according to a local report, were usually left to 'Mobb Law' since the stool was always available. In the summer of 1639 Mrs Jane Withers of Weldon committed an offence that, although unspecified, must have been more than the average misdemeanour. She was sent to gaol 'until she could find Sureties for her next appearance at the General Sessions' but at these:

> The Constable was ordered to cause her to be brought, with the cucking stool to some convenient place within this town [Northampton] . . . there to be dous'd and duck't in the manner of Scouldes

Another ducking ordered by the court appears in the records for the quarter-sessions, Trinity 1684:

> Yt is ordered that ffrances Mason of Yardley, widdowe (aged 22) to be of goode behavior . . . to bee douckt in ye ducking-stoole in ye town of Northton [Northampton] on Saterdaye next betweene ye houres of 11, 12 and 2 . . .

Young Widow Mason was later described as *communis rixatrix* – a common scold – and her railings must have been particularly objectionable since she was bound over in the sum of twenty shillings, a swingeing fine in those days.

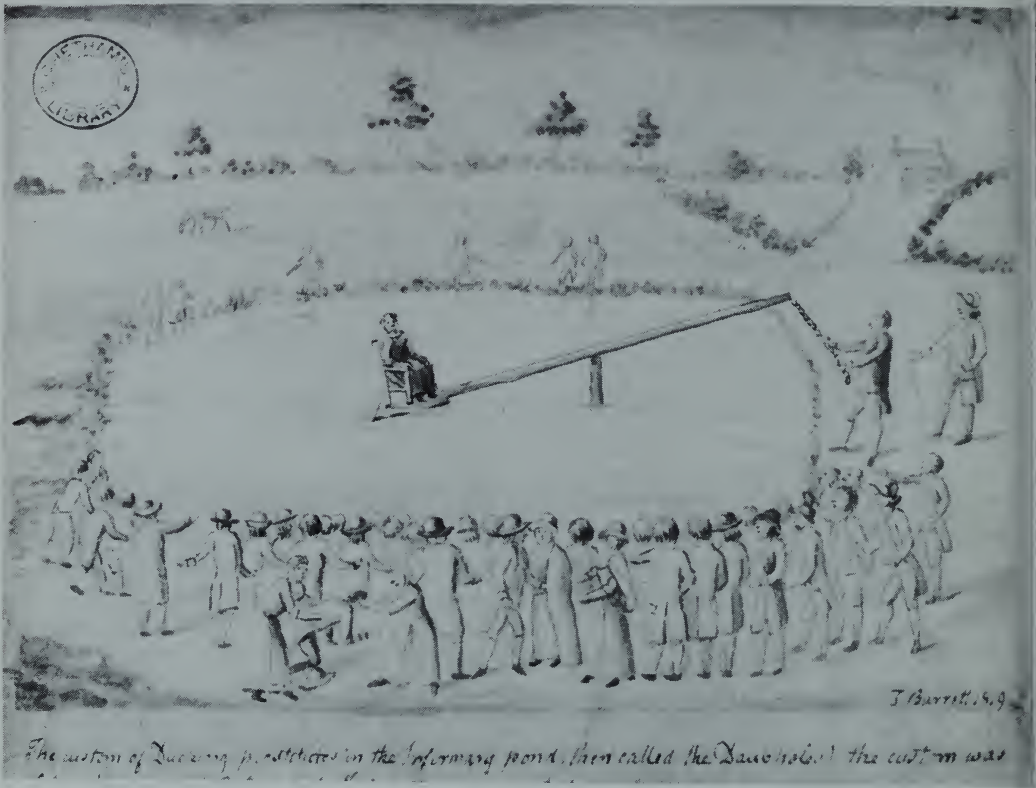
Although Derbyshire's women were celebrated for their good conduct, which presumably included soft speech, the county still possessed instruments for punishing them. Derby itself had a well-known 'suspended' type of ducking-stool over the little Markeaton Brook at the bottom of St Mary's Gate, and before 1560 the mill nearby was even known as Cuckstool Mill.

Chesterfield's stool was situated on the south side of the town, close by the wall of the house of correction (which later became the county prison). It could only be used with an order from the magistrate, usually the keeper of the local poorhouse, but such keepers, assisted by the local constables, often employed the stool to punish 'refractory paupers'. The chair was on the end of a pivoted beam, attached to a post at the edge of Silk-mill dam. In this ducking-stool a woman was actually trussed with her arms tied to an upright iron bar behind her back so that she was powerless to move in any direction.

Yorkshire being a large county had numerous ducking-stools scattered among its towns and villages. To judge by the frequency of the repairs to Barnsley township's two ducking-stools (one in the village of Worsborough and one near the Bridewell tollbar) between 1703 and 1737 there must have been 'jarring females' galore requiring repeated duckings.

Sometimes 'the dose' was overly large. In Leeds, at the quarter-sessions of July 1694:

> Anne Saul, a person of lewd behaviour, wife to Phillip Saul, was sentenced to be ducked daily for making strife and discord among her neighbours; a similar sentence was made against Jane Milner and Elizabeth Wooler . . .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The custom of Ducking prostitutes in the Infirmary pond, then called the Daubholes the custom was

The ducking-stool at the infirmary pond, Manchester, c. *1750. It was then known as the Daubholes.*

The ducking-stool was at Quarry Hill, and to be ducked daily for an unspecified period was a harsh sentence, and perhaps one that had been doled out to squabbling prostitutes.

The stool was sometimes employed to discipline young females enjoying too much freedom. In Bradford in 1657 it was announced:

> Whereas as many young women, healthful and strong now combine and agree to eat and live together without government and refuse to work in time of harvest and give great occasion for lewdness, NO PERSON to receive such into his house as *cottar* or *tabler* . . . on pain of [a fine] of 39s 11d

The cottars and tablers in the textile industry earned much more than harvesters, and so had funds to enjoy themselves. Such frolicking might well lead to fornication and gossip and keep the ducking-stools working overtime. It was reported there were 'manie assaults by women, which drew blood' additionally punished by a fine of ten shillings.

Lancashire was not to be outdone by Yorkshire in its number of ducking-stools and cucking-stool pits. According to the records, Liverpool was rife with female crime. The earliest reference to a ducking-stool comes from its town books for October 1578 which states sombrely 'Wee fynde yt necessarie that the cuckynge stoole shalbe repared'. Later the stool was placed within the grounds of the hellhole prison where men and women 'were all mixed together and there was much licentious intercourse'.

> women were soused three times under water until almost suffocated . . . the standard [pivot] was fixed in the courtyard and a large bath placed in position for the ducking . . . it was used only for women . . . who in addition were flogged at the whipping-post nearby

In 1803 a public inquiry revealed that upon admission to the House of Correction women were ducked with 'wanton severity' and then whipped frequently. The ducking was discontinued, but whipping continued although not on a weekly basis.

Manchester's ducking-stool accommodated scolds and 'many notorious hores in the township'. In 1580 its efficient functioning was marred by the obstructive behaviour of one of the most prominent citizens, William Radcliffe, on whose land the cucking-stool stood. Over several years this local grandee had filled up the space occupied by the ducking-pool, and had removed the stool. Although the jury ordered 'yt to bee putt back agayne' Radcliff delayed obeying, and was again presented in October 1598 when 'The jurie fynde that the oulde acustomyd place, ye moste conveyent for ye Cookestoole to stand yn [and] ORDERED yt to be open agayn as yt hath ben usyd . . .' Radcliffe must have been very powerful, for four years later the jury climbed down and meekly minuted, 'Wee desire the Cheefe Lorde will provide a Cookstoole to bee sett upp in some convenyent place as hath bene oft-tymes promysed for the punyshment of lewd women and scouldes . . .'

In the intervening years the many 'notorious hors' and numerous brothelkeepers presumably escaped ducking if not a whipping. On 1 April 1619 there was still no stool, and the jury ordered that a new one be erected near the 'Horsepoole in ye Marketstidlane' which allowed Isabel Richardson and Alice Worthington, 'Common Scoulds and disturbers of their neighbours' to be 'ducked several times in the horse pond in mid-October'. There followed a litany of requests for repairs, made necessary by persons found 'guilty of vehement suspycyon of adulterye and fornicacyon' or 'suspected of Baudrie'. From the authorities' viewpoint it was fortunate there were two ducking-stools in Knutsford, only seventeen miles away. In 1775 Manchester's ducking-stool was still in use, suspended over an expanse of water called the Pool House and Pool Fold. Later it was moved to the Infirmary pond.

In Bristol, Somerset, the ducking-stool was an essential cog in a many-spoked punishment wheel. From ancient times the cuck-stool stood at the junction of Lower Castle and Ellbroad Street, where there was a ducking-pond next to the mill pond until 1621 when a new ducking-stool was erected 'on the northern bank of the River Froom [the Frome] neare unto the weir'.

This was a strong wooden chair, fastened at the end of a long seesawing beam which plunged the victim into the flowing river, usually three times, but more often if these had scant effect.

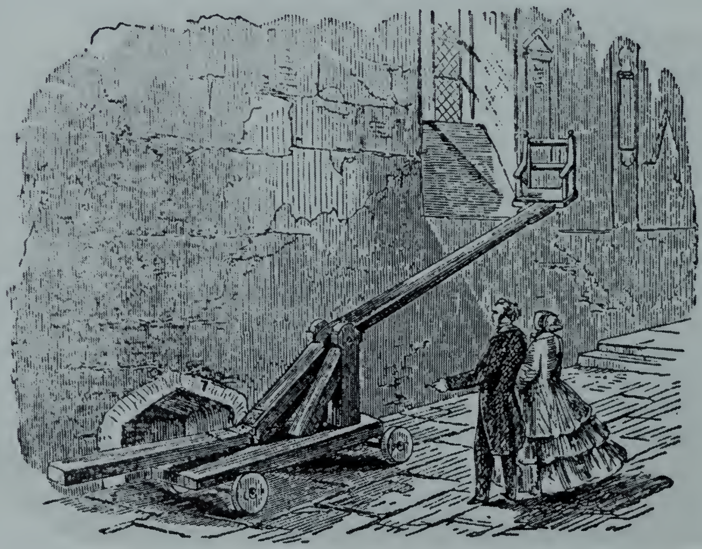
The first offender in the autumn of 1621 was:

> . . . a vixenish woman from Redcliffe, whirled over the river and duck't three times by the City Beadles, who got 2s each for their pains. Nevertheless she continued her shrewishness and was ducked a second time, but the Beadles' fees were reduced to 1s 6d . . .

In 1624 when these beadles had 'to wash two women together' they received only eightpence; presumably two could be ducked more cheaply than one.

During the Commonwealth interlude ducking was suspended, but was revived with the Restoration of the Stuarts in whose honour in 1660 the Corporation ordered a new ducking-stool at a cost of £2 12s 6d. In October 1661:

> . . .the goodwife Orchard of . . . St Michaels parish is a common scolde . . . ORDERED according to custom she be ducked three times in the



The famous ducking-stool of Leominster and its tumbrell. On this, Jenny Pipes, the last woman to be ducked in England, was immersed in 1809.

> ducking-stool on the Weir . . . then sent to the House of Correccion forthwith

The mayor, John Willoughby, approved this form of punishment, and between 1661 and 1670 seventeen 'vixenish women' were ducked.

In 1718 the mayor, Edmund Mountjoy, particularly favoured the ducking-stool on the weir for inverterate scolders. A local poem, 'The Ducking Stool', commemorates this punishment of Barbara Blake, a young and very pretty wife, with one shortcoming, her tongue . . . at least, according to her husband

> . . . Her wrath she would nurse,
> And pour out the curse
> Upon him whom she'd taken for 'better or worse'
> Whilst strangers would think
> Mrs Blake was the pink
> Of politeness and kindness and conjugal love,
> And as loving and fond as a real turtle dove.

But a soaking upon Bristol's ducking-chair transformed Barbara into the ideal wife: a 'yes woman', loyal and obedient.

However, ducking did not win every man's approbation. In that same year Mayor Mountjoy sentenced another woman to be ducked, but her husband brought an action against him and, since her offence had not merited such punishment, he was awarded damages. This may account for that being the last year the stool was used in Bristol.

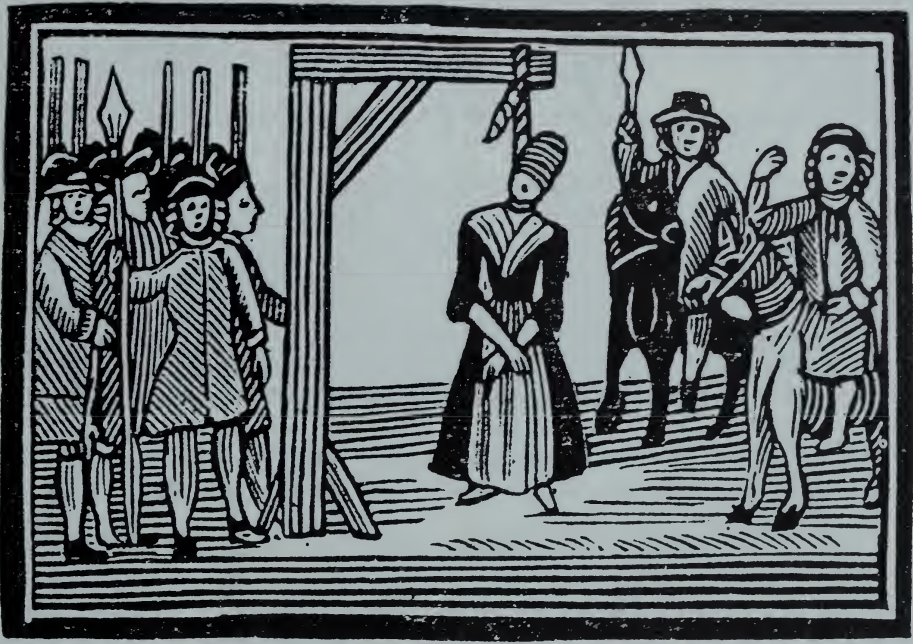
Probably the best known ducking-stool in England is the one preserved in Leominster town hall since it appears in almost every publication mentioning antique female punishments, and, compared with crudely made chairs elsewhere, was a tribute to its carpenter's skill. This chair, fixed to the end of a twenty-three-foot beam, was described as being 'of the trebucket type' – set on a wheeled cart – which when paraded through the town meant the occupant was perched at first-floor window height. A local refinement required the victim to be ducked in three different parts of the town, which involved her being wheeled, dripping wet from one ducking-place to the next and then back home.

The poet, Vincent Bourne, (died 1747) and undermaster at Westminster School, rhymed his admiration for the pacifying influence of such stools:

> Neare many a stream was wont to meet us
> a *Stoole*, to broile a *quietus*.
> It curb'd the tongue, the Passions rein'd,
> And Reason's empire firm maintain'd
>
> Astride it set but a Xanthippe
> Then twice or thrice Virago dip ye!
> And not a lambkin on the Lea
> Will leave the stream more meek than shee!

Scarcely transformed into a lambkin was Jenny Pipe *nee* Corran who in 1809, at Leominster, having been ‘trundled into the river at the Kenwater Bridge, soundly soaked . . .’ immediately began cursing the magistrate who had sentenced her. Jenny was the last woman in England to be ducked but not the last to be sentenced. She was Sarah Locke who in 1817 was wheeled around the town, but could not be ducked ‘because the waters were too low.’

6 Hanging
The Flowers of the Gallows Tree



The hanging of Miss Davis at Chelmsford, commonly called 'the Beauty in Disguise', for robbery, 1785.

The punishment of death by hanging dates back to a pre-recorded age. It had the merit of being easy and cheap, since the only requisites were a rope and a tree, or, if no tree was available, then any vertical pole or hook – the latter much favoured by Genghis Khan.

An early historical reference is found in the Old Testament, when Pharaoh's master baker was hanged for incurring the king's wrath so confirming Joseph's dream interpretation (Genesis 40: xxii). The Hebrews left Egypt, taking this method of punishment with them for Deuteronomy 21: xxii states sternly 'if a man have committed a sin worthy of death, and he be put to death, and thou hang him on a tree'.

The Jewish festival of Purim annually commemorates how during the reign of King Ahasuerus (Xerxes I) Queen Esther persuaded him to punish the satrap Haman, the would-be destroyer of the Jewish community, by hanging him on a gallows 'fifty cubits high'.

The hanging of women, however, is not attested anywhere so early, although it is axiomatic that in all succeeding centuries women as well as men ended their lives on the gallows. Both Old and New Testaments refer to an early form of execution of women by stoning at the hands of the public. Saxon England maintained this custom as a punishment for women slaves: eighty female slaves were compelled each to choose a suitably sized stone to pelt at their unfortunate sister-in-captivity.

In that dark age errant freewomen were usually released against their appropriate wergild, which varied according to their own or their husband's status. Some offences were punished by mutilation – loss of a hand or foot or eye; and for lesser crimes slitting the nose or lopping off an ear. But men were not always eager to damage their workers or chattels.

The pious views postulated in the laws of King Aethelred:

> Christians for too little be condemned to death but in general let mild punishment be decreed . . . and let not for a little, God's own handiwork . . . be destroyed.'

failed to become established practice.

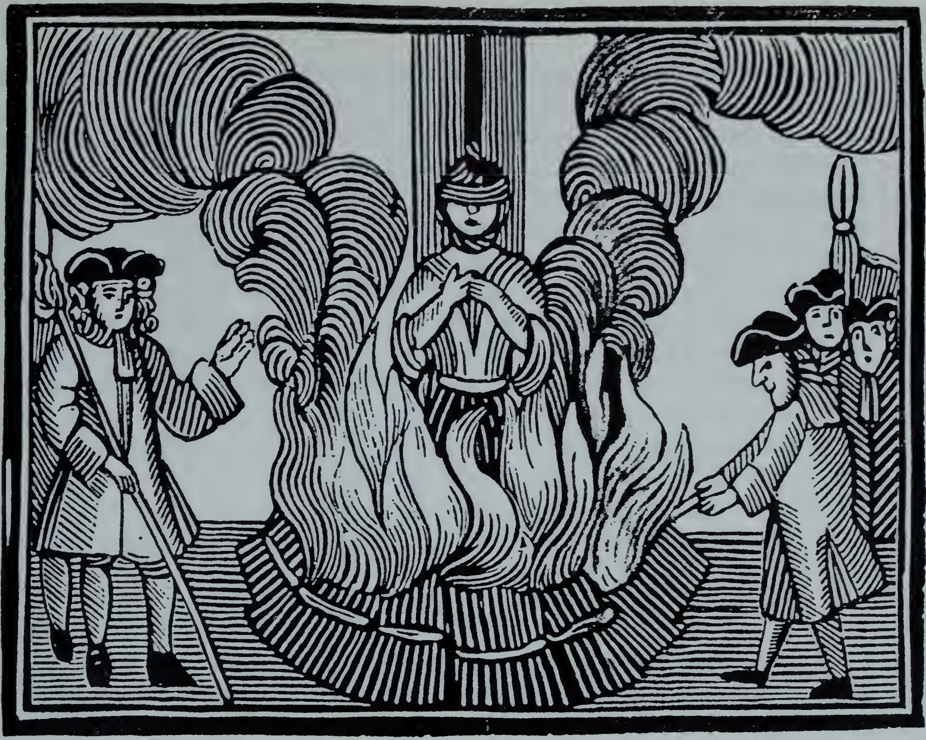
William the Conqueror 'that Norman Monster' in his subdual of the country favoured public mutilation rather than execution, hence the myriad of blindings, gouging-out of eyes, lopping-off of hands, feet, noses and ears, and, in the case of female offenders, the abscission of nipples or breasts. The Conqueror's son, Henry I, reintroduced the death penalty, and enacted in 1120 'that all thieves taken must be summarily hanged' which included women.

Over the centuries hanging became society's response to a host of offences apart from murder, so that the gallows – and later the gibbet – became a common feature of the English landscape. Observed the historian Thomas Wright: 'Every town, every abbey and almost every manorial lord had the right of hanging and a gallows or tree for that purpose'.

One of the earliest records dates back to 1262 when, 'Ivetta de Bolsham, hanged for a felony at 9 on a Monday morning was still alive on the Tuesday at sunrise.' This extraordinary turn of fate persuaded King Henry III to grant Ivetta a pardon.

Coin-clipping was an accusation frequently levelled against Jews, and women. Among the most prominent members of the Jewish community to be hanged for this crime in 1279 was Belaset (Bellassez or Rachel) daughter of Master Benedict of Lincoln. The hatred against Jews at this time followed by their ultimate expulsion in 1290 suggests this was a trumped-up charge; Belaset engaged in business on a large scale and would have been far too wealthy to risk her life with such dishonesty.

Women were often involved in offences against the coinage, all meriting the death penalty. There was the occasional female counterfeiter, like Florence Swalve, indicted in the early fifteenth century for making two coins 'that resembled good royal money and then passing them in Great Torrington'. More usually women



Title page of a broadsheet concerning the death by burning of coiner Christian Bowman in 1789. Note the blindfold.

were indicted for coin-clipping or helping to circulate false coins. A choice clerical failing – forging documents – was rarely within the skills or opportunities of most women, although in February 1804 twenty-two year old Anne Hurle was hanged at the Old Bailey for 'forging annuities of the Bank of England'.

Hanging was scarcely a rare occurrence, since one of the common crimes warranting the death penalty was theft of anything valued at more than a shilling. From Dorset in 1337 comes this report:

> Desiderata de Toryntone [Torrington] stole thirty silver dishes and twenty-four silver salt-cellars worth £40 from John Baret, the property of his mistress, Lady Alice de Lisle, while John was staying in the town house of the Bishop of Salisbury. Fourteen dishes and twelve salt-cellars were found in her possession . . .

Found guilty, she was hanged.

A much later refinement was gibbeting – hanging the corpse in a metal cage and leaving it suspended until it rotted away – a grisly warning to malefactors directly contravening Deuteronomy's injunction (21: xxiii) 'his body shall not remain all night . . . but thou shalt in any wise bury him that day . . .' This practice, evolved from the custom of leaving a murderer's remains in chains after execution as an admonitory lesson, was recognized by statute in 1752, but left to the discretion of the judge, and only abolished on 25 July 1834.

Under the act of 1752 the law required bodies of executed murderers to be delivered to surgeons for dissection, but those that had been gibbeted would be unfit for anatomization. Since wind and weather rotted away the clothes to leave the body naked to the elements and the eyes of the prurient, gibbeting was rarely inflicted upon female corpses owing to a general sense of shame, and perhaps to prevent certain outrages. When Michael Van Berghen and Catherine his wife, keepers of a public house in East Smithfield, with their servant Dromelius, murdered a country gentleman Mr Oliver Norris all three were sentenced to be hanged near the Hartshorn Brewhouse, East Smithfield, the nearest convenient spot to where the murder was committed on 11 July 1700. The men's bodies were hung in chains between Bow and Mile End, but the woman's was buried.

There are few instances of a woman being gibbeted, but an act of George III from 1790 states that women convicted of petty treason were liable to the same punishments:

> . . . the like forfeitures and Corruption of Blood . . . as regards gibbeting: the penalty could be having the tongue cut out and burnt on a scaffold, the right hand cut off and affixed to (a pole) and the body hung in chains.

Gibbeting was scarcely an economical method of promoting law and order as the treasurer's accounts for Derbyshire, 1815–16, show:

> The expenses for apprehending Anthony Lingard amounted to £31 5s. 5d.; but the expenses incurred in gibbeting reached a total of £85 4s. 1d. . . . in addition to ten guineas charged by the gaolor for conveying the body from Derby to Wardlow.

Lingard had murdered Hannah Oliver, a widow who kept the turnpike-gate at Wardlow Miers, and the judge directed that after execution the body instead of being dissected should be hung near the scene of the crime. As a deterrent this gibbeting proved a failure: on 22 March 1819 sixteen year-old Hannah Pecking of Litton, apparently driven by jealousy, was hanged for poisoning Jane Grant also of Litton by giving her a sweet cake laced with poison as they were going to fetch cattle out of a field near Lingard's gibbet-post.

Historians frequently suggest the manner chosen for the execution of women evolved from concepts of modesty; so that burning and burying alive were intended to save women from shame. In the fifteenth century when hanging began to be more widely applied for women, they were hanged clothed in long garments tied around their ankles.

When in April 1752 Mary Blandy came to be executed at Oxford attired 'in a black bombazine dress, her hands were tied together with a strong black riband', she requested 'not to hanged high for decency's sake' since she wore nothing beneath her gown. Modest Miss Mary had been found guilty of poisoning her father, at her lover's urging, and she was kept in heavy fetters until her trial. About 5,000 people watched her hang, many of whom including 'several gentlemen of the university' shed tears.

A macabre detail about condemned women's apparel appeared in *The Lancet* of 20 August 1955 revealing that on the morning of execution they were compelled to wear waterproof underwear, since the rope's constriction frequently causes the bowels to evacuate.

Modern minds may regard hanging as the penalty for murder, but earlier ages employed the gallows as the solution to all sorts of crime.

Many women hanged were guilty of little more than being objects of malice and superstition, none more so than those accused of witchcraft. One such was Dr Lamb's 'Darling', his servant, Mrs Anne Bodenham. Dr John Lamb was a necromancer, court astrologer and physician to the Duke of Buckingham, the favourite of James I. Some of this dubious doctor's nastier deeds earned him death by stoning at the hands of a London mob who in 1624 chased him from the Fortune Theatre in Golden Lane to St Paul's Cross. James I fined the City of London £3,000 for failing to punish the ringleaders.

After her master's death the 'Darling' moved to Fisherton Anger in Wiltshire, and, trading on her connection with Lamb, a book of charms and a herb garden, acquired a name as a wise woman. To enhance this reputation she wore a bag containing a toad hanging round her neck, and villagers sought her advice, but professional counsel to Richard Goddard's family brought her downfall. Ann Styles, the Goddards' maidservant, having stolen silverware and purchased arsenic for Mrs Goddard (an unhinged woman who wanted to murder her daughters believing they were trying to poison her!), desperately needed to locate blame elsewhere. To save her own neck, she accused Mrs Bodenham of witchcraft. Her evidence at the trial in 1652 was colourful in the extreme: Mrs Bodenham, having changed herself into a black cat, pricked the servant's finger and then made her sign her name with the blood, in a book containing names of those who had sold themselves to the devil. Styles' hand was guided by an imp 'with long shagged black hair' who gave her a silver coin. This coin, the mark on her finger, and 'witch marks' on Mrs Bodenham's shoulder and pudenda were conclusive proof of the 'Darling's' guilt. We might laugh at the law permitting such evidence had it not condemned an eighty-year-old woman to be hanged. On the way to the gallows the 'Darling', denying any involvement with the devil, begged for beer so she would be drunk when hanged, refused to let a psalm be sung for her, and not surprisingly roundly cursed her accusers and jailers.

Virtuous, kind and dutiful women also lost their lives on the gallows when their religious conviction clashed with contemporary prejudice. In 1565 at Chester Margaret Ward was hanged for being a Catholic. The conversion to Catholicism by Anne Heigham of Dunmow in Essex so outraged her father, William, that he disowned her and withdrew her dowry when she married Catholic Roger Lyne. Anne Lyne was executed at Tyburn with great barbarity 'praying constantly while the hangman did his duty'.

Not every woman hanged was either innocent or guilty of a horrible crime. One such was the handsome and elegant adventuress, Mary Carleton, renowned in her own time as the German Princess. Mary pretended to be from Cologne, and that her father was Henry van Wolway, a Doctor of the Civil Law, and Lord of Holmstein, but she had no German connections whatsoever, having been born on 11 January 1642 in Canterbury, Kent, the daughter of one Meders, a chorister at the cathedral. Perhaps it was her delight in reading romances that encouraged Mary to pass herself off as a German princess enjoying great notoriety, mixing in the best circles, travelling the Continent and acquiring several husbands along the way. Involvement in a variety of confidence tricks eventually earned her transportation to Jamaica. After two years Mary returned illegally to resume her career until rearrested and charged as a common cheat for swindling. True to character she 'pleaded her belly'. This ploy was rejected by a panel of sharp-eyed matrons.

On the day of her execution the German Princess appeared livelier than ever. When they unshackled her she pinned the picture of her husband Carleton on her sleeve and carried it with her to Tyburn. At the scaffold she told the great crowd of spectators she had been a very vain woman and expected to be made a precedent for sin but prayed God and her enemies to forgive her. Mary Carleton was executed in her thirty-eighth year on 22 January 1673. Good friends secured her body and gave it formal burial at St Martin's, and one of them composed the epitaph reading:

> The German Princess here, against her will
> Lies underneath, and yet, Oh strange, still lies!

Institutionalized hanging was not a cheap business, providing industry for more than the executioner. From Hastings borough chamberlain's accounts of 1664 come these detailed expenses in connection with the hanging of a woman:

Tymber for ye gallowes	3s 0d
2 dayes worke about ye galowes	4s 10d
To Issacke & hys sonne for settynge up	8s 0d
For carryinge ladder to execution of ye woman & bryngynge yt heare agayne	12d
For ye halter	4d
For Breade and Beere for ye Guard	18d
For four menne that guarded ye Sessions	2s 0d
For Breade & Beere for them that loaded ye gallowes tymbre	8d
To ye executioner for executyng ye woman	10s 0d

and in the following year a further 11s 6d was expended on sawing a twenty-five-foot 'peece of tymber' to 'make ye gallowes' and a further threepence to Ric. Saunders and Jno. Mathers for sawing it. Either the original was badly made or had collapsed under the weight and number of executions within the year.

Perhaps poor material or excessive usage accounted for 'breaking ropes' which often features in descriptions of public executions. In Durham, in July 1799, Mary Nicholson who had poisoned her mistress 'on being launched from the cart the rope broke and she fell to the ground. It was nigh an hour before another rope was procured.'

The eighteenth century is the bleakest period in English history for hanging with each 'Hanging Parliament' vying to increase the number of offences meriting death. The rise in the crime rate reflected not so much an explosion in ne'er-do-wells as the reclassifying by lawmakers of minor offences into major ones. What today might warrant a non-custodial sentence or even a straightforward warning from the bench was dealt with by the hangman's noose. Up and down this land those without money, skill or status were especially vulnerable to being drawn into crime; at the bottom of this heap of social misery were many females. Thousands were forced into prostitution and petty crime just to keep themselves, and their children, alive.

When twenty-year-old Ann Harris was hanged on 13 July 1705 she was already 'a notorious shoplifter so often burnt in the hand there was no more room for the hangman to stigmatize her'; he was intended to brand her face before execution.

Although branding was abolished in 1829, by 1830 there were some 220 crimes for which the death penalty could be imposed. Apart from murder and highway robbery these included theft of five shillings from a shop, injuring Westminster Bridge and impersonating out-pensioners of Chelsea Hospital.

The last was scarcely a woman's crime but highway robbery had its female exponents. In April 1685 Joan Bracey 'Who consorted with and acted as a highwayman' was hanged at Tyburn. Most of the women executed for this crime were highwaymen's molls like Anne Bone and Jane Browne hanged in Jarrow in August 1726 'for robbery on the King's High Way'. But the *Newgate Calendar* provides several attested cases of highwaywomen. One, Martha Wilson, was 'interred in the public highway' like a suicide in 1817.

Some highwaywomen did evade the noose. On a spring afternoon in 1779 Mrs Thring of North Burcombe near Wilton was taking a constitutional along the main road when:

> a Person on horseback came up, drew forth a pistol and demanded her money. Mrs Thring surrendered all she had, some two shillings and her black silk cloak, when the highwayman also demanded the ring on her finger and the buckles of her shoes. Mrs Thring, becoming restive, turned and called out that her husband was just in sight whereupon the highwayman spurred his horse and dashed off. Mrs Thring raised the alarm and the criminal was quickly apprehended . . .

To general astonishment the highwayman turned out to be a neighbour, Mary Abraham, otherwise known as Sandy (Mary) Sandall.

She was arraigned and sentenced to death, but was 'respited' because she claimed she'd been playing a practical joke, and local feeling was against hanging even though the current state of the country was described as 'lawless and desperate'.

Around 1840 appears the only known record of a hangwoman in the then United Kingdom. This extraordinary reversal in the hanging scene occurred in the county of Connaught when Betty, a female felon, became the hangwoman. She had been sentenced to death, but because no hangman was available to execute a gang of thieves, poachers and cattle rustlers, she agreed to hang them in return for a reprieve. This accomplished, she was offered the job on a permanent basis, and was appointed the first (and presumably last) hangwoman and official executioner. 'Lady Betty the Hangwoman' was still sending felons to the next world in 1850; and disobedient children would be threatened 'huggath a pooka, here's Lady Betty!'

An unhappy custom at the time of executions, in London and elsewhere, was for parents to whip their children, so as to impress upon young minds the lesson of the gallows. It was never too early to learn the grimmest facts of life: in 1748 a boy of ten was sentenced to death, the judges concluding the punishment must stand 'for it would be a very dangerous consequence to have it thought that children may commit such atrocious crimes with impunity . . .'

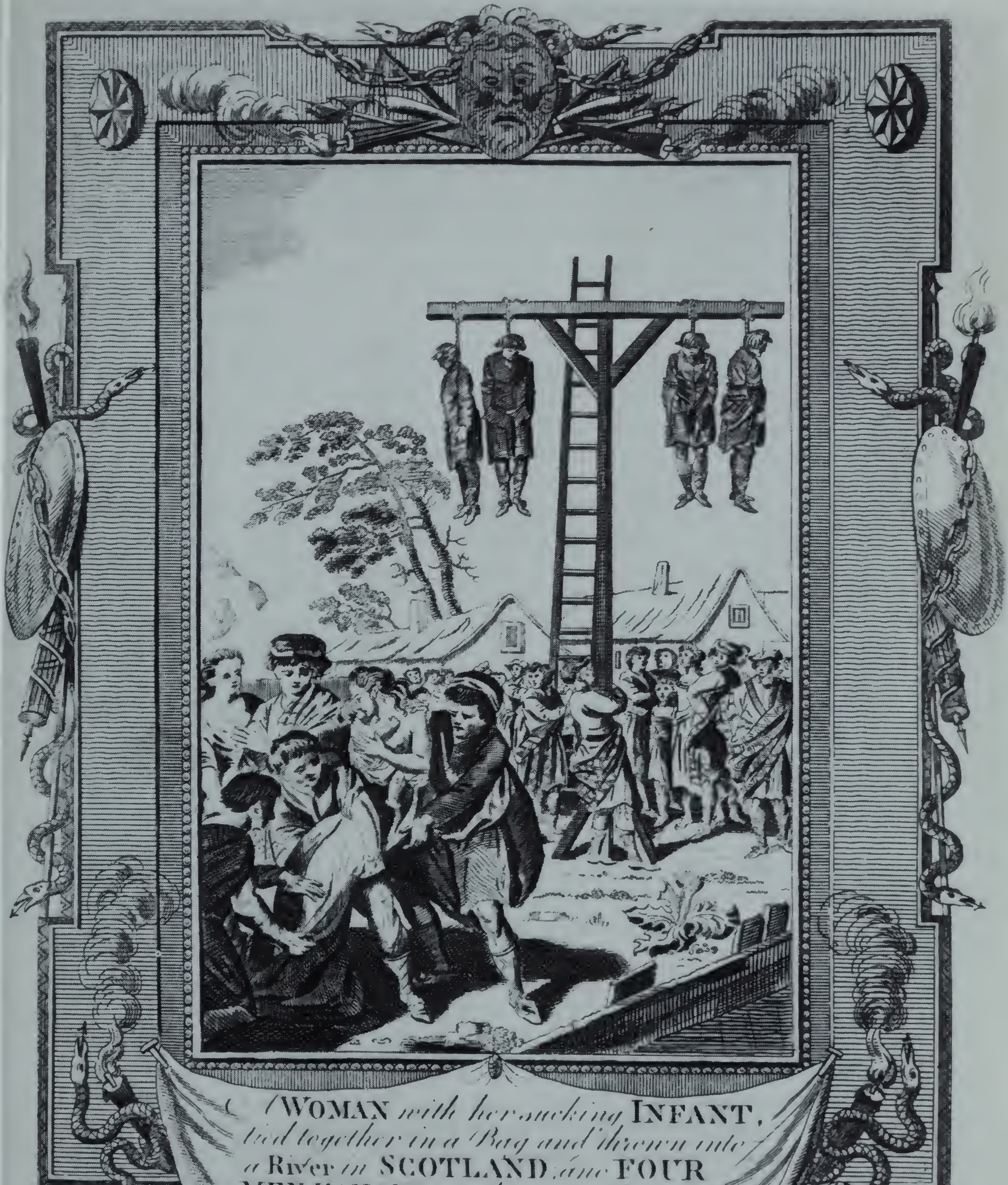
Many women were hanged for murder of an illegitimate child to rid themselves of the stigma or simply because they couldn't cope with another mouth to feed. On 19 August 1754 Dorothy Catinby living in Love Lane, Newcastle, was hanged for the murder of her bastard son, insisting to the last she had not committed this crime. The tragedy did not end with two deaths: following the execution her two sons drowned themselves, and her daughter 'left the city to a place where she could live without reproach'.

In Durham in 1763 Margaret Middleton alias Coulson was charged with the murder of a female bastard child, Lucy Curry, a pauper whose real name was Elliott. The child was found drowned near Sunderland bridge. 'She had taken a considerable sum as wages to look after the child but had taken her only as far as the River Browney and there drowned her'. She was hanged, but a mystery remains: who paid for the pauper child's care?

The slaying of a child by its mother provokes public horror but frequently arose from sheer desperation.

At the summer assizes in 1849 in Salisbury Rebecca Smith was tried for the murder of her new-born twins 'and seven others of her eleven children' by smearing her nipples with arsenic which she had bought from a local chemist.

> she had a drunken husband whose intemperance had led them over twenty years from comparative comfort to dire poverty. She did it for fear her babies should starve. She was obliged . . . to work hard for to earn four shillings the week. When charged she admitted her guilt without guile


A WOMAN with her sucking INFANT,
tied together in a Bag and thrown into
a River in SCOTLAND; and FOUR
MEN HANGED at the same time for
eating Goose on a Fast Day.

A woman with her sucking infant are tied together in a bag and thrown into a river in Scotland, and four men are hanged at the same time for eating goose on a fast day, c. 1750.

> being however very ignorant and obtuse of understanding. She was very religious, attending the Meeting House every Sunday, returning home and praying every night for God's mercy even though almost annually deliberately poisoning one of her own offspring, calmly looking upon them dying . . .

Rebecca was hanged at Devizes on 23 August in the presence of 'a countless throng' with not a word or a sigh. She said she had no fear of punishment in this world 'but confess'd that her sins were too great for pardon in the next world'.

How many women and unborn children have died at the bungling hands of backstreet abortionists will never be known, but sometimes the crime came to light. In November 1781 Margaret Tinkler, a midwife of Durham, was charged with 'recommending certain means to destroy an infant', but the mother, Jane Parkinson died in the process. The inquest found 'two long black double-wire hairpins in her belly'; Tinkler confessed she had also killed the mother, her intention being to suggest suicide. She was hanged.

Then as now the majority of murders were committed within the family. Until 1790 a woman who murdered her husband would be burnt after strangulation, so in 1799 when Margaret Hughes murdered her husband Thomas she was taken to Canterbury to be hanged.

At Berwick on Tweed on 26 July 1823 an immense crowd gathered to watch Grace Griffin hang for the murder of her husband, John. The public had been deprived of such a spectacle since 10 May 1758 when Margaret Dryden was hanged for the murder of her bastard child in Berwick on Tweed.

Lancaster Castle prison was regarded from earliest times as a hellhole, and hangings were carried out 'behind the castle'. Its amenities included a drop room in which the condemned was lodged the night before execution and where the 'scaffold furniture' and coffin were stored. Here in 1828 eighteen-year-old Jane Scott from Preston spent her last night. She had been sentenced to death for poisoning her parents. Because of her broken health and infirmity Jane was wheeled in a special chair to the scaffold. There she was supported by two female convicts who stepped from the drop-board before the hangman's signal so that:

> the unhappy woman fell as far as the rope round her neck would permit and swung about for a minute or two before the drop actually fell . . .

As was customary the girl's body was handed over to the surgeons for dissection, and her skeleton was still on view in a house in Walker Street Preston some years later. Because a 'short drop' of about two feet meant slow strangulation, in some instances the hangman had to swing on the victim's legs to hasten death. Before the introduction of the 'drop' in 1760 friends of a prisoner would sometimes use similar methods to speed strangulation.

Often a woman would carry all the guilt although a man might have incited her to murder. In 1837 nineteen-year-old Mary Ann Higgins was hanged in Warwickshire, at Whitley Green Common, the usual place for execution. In court it was stated she had 'been nurtured in the worst scenes of vice and in the most mean and degrading surroundings'. Her lover, George Clarke 'A most repulsive specimen', who frequently beat her, and by whom she was pregnant, had threatened to leave her if she did not give him money. When her uncle refused to agree her prospective marriage to Clarke, she put two teaspoons of arsenic in his pea-soup. It took the jury seven minutes to find the sobbing woman guilty and to acquit Clarke. This report presents a fairly typical picture of a hanging.

> On the night before her execution she slept but little: at 12.30 next day she was set on the funeral cart, sat on her coffin. She stood on the drop scarcely evincing the slightest nervous affection. The executioner removed her bonnet and replaced it with a large cap which covered her face and in two minutes – by pre-arrangement with the hangman – she dropped her handkerchief, a white one, and he removed the bolt and she was launched into eternity. Her body hung for sixty-two minutes during which time some twenty women were allowed to rub their necks with the dead girl's right hand as a remedy for Wens or Thick necks. The body was then dissected and put on display to a great number of persons.

(The touch of an executed person was long believed the cure for many complaints, and for a consideration the hangman allowed access to the corpse.)

George Clarke who 'narrowly escaped with his life from the mob' fled to Rugby, where he was recognized and had to flee, never to be heard of again.

When Mary Ball of Nuneaton poisoned her weaver husband, Thomas with arsenic, it was an act of despair. He had been consistently cruel to her over a dozen years, and all their children, apart from one little girl, had died. On 20 May 1849 Mary was the last woman to be hanged in Coventry gaol.

> At 10 a.m. on the morning of her execution she proceeded up the steps of the platform uttering no word but with closed eyes and saddened countenance and was motionless while the rope was being placed round her neck. In the instant of the drop a subdued thrill of horror appeared to pass over the multitude [30,000 people assembled to witness this scene] most of whom waited until 11 o'clock when the body was taken down and removed. The entire process did not occupy five minutes

Her body was buried in lime in the gaol yard.

In Northampton the last woman publicly hanged was Elizabeth Pinckhard for murdering her mother-in-law. Her execution had been scheduled for 12 March 1852 but was deferred to Tuesday 16 March 'the day having by some means got known . . . an immense number of persons estimated at ten thousand had assembled . . .'

Alcohol must have played a frequent part in women's acts of violence. In Newcastle on 7 March 1829:

> Jane Jameson, a disgusting and abandoned female, a hawker of fish and other commodities, in a drunken fit had attempted to cut her father's throat. She was generally seen in a state of half-nudity and she had two illegitimate children. She was now charged with the murder of her mother by stabbing her in the heart with a red hot poker. 'I was so drunk I knew nothing about it' and in the dock she lamented being 'hanged like a dog'

As was the custom, and probably with more pomp than she had ever known, Jane was taken to the place of execution by cart, seated on her coffin: the procession accompanied by black-clad, mounted town sergeants, 'free porters with javelins', and ten constables with staves. 'The unhappy woman kept her eyes closed all the time'; she was suspended at 10 in the morning and cut down at 10.55, with the body exhibited 'near naked to the public till near six in the evening' to an immense crowd. There had been no execution in Newcastle upon Tyne since the summer of 1754 when Alice Williamson 'an olde offender' was hanged on the Town Moor for burglary. It is recorded 'she died penitent'. When Ann Wilson of Harraton, Dorset, then living in Newcastle, 'knockt out her husband's brain with an axe' in August 1767 the crowd's morbid curiosity remained unsatisfied because she was found to be insane.

Records demonstrate that neither arson nor violence were male preserves.

At Coventry in Warwickshire in 1787 Mary Feekins, a servant in a public house in Bayley Lane, was hanged for setting fire to the premises.

In December 1797 Theresa Maria Phipps was hanged 'outside the Old Bailey' for murdering Mary Cox, a sister prostitute. Described as 'violent' she had already knifed one man. In May 1801 Elizabeth Barber alias Daly 'a violent woman who murdered a pensioner by stabbing' was sent to Maidstone to be hanged on Pennenden Heath.

Death was also the penalty for women who abetted violent acts.

In August 1785 Isabella 'the reputed wife of William Hamilton' was hanged with him in Durham for breaking in, robbing and 'cruelly using John Smith and his wife'.

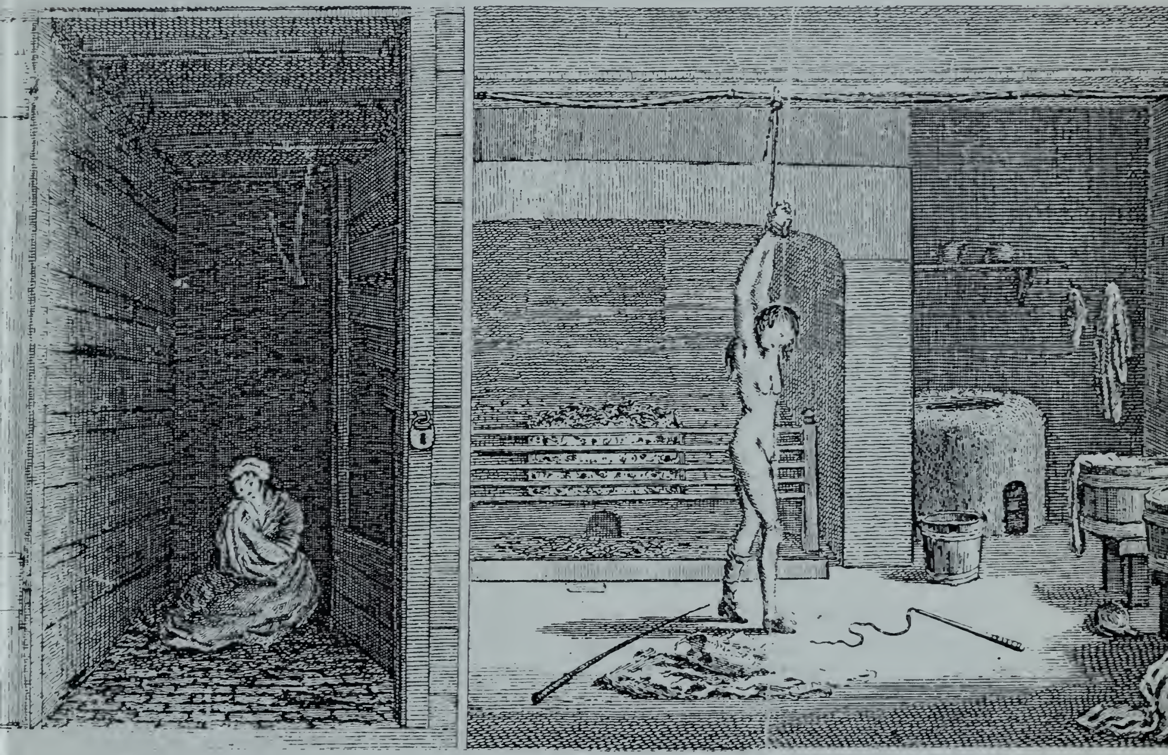
On 27 March 1710 nineteen-year-old Grace Tripp was executed at Tyburn for the murder of Lord Torrington's housekeeper, but her accomplice, Peters, had actually committed the murder.

More startling were the facts surrounding another Tyburn hanging: that of Jane Housden who 'showed no compunction or remorse' for 'encouraging the killing of the Head Turnkey of the Old Bailey' in a savage riot provoked by her paramour William Johnson.

When in 1733 Sarah Malcolm murdered Mrs Dunmcombe at the Inns of Court, she also cut the victim's servant's throat. The condemned woman tried bribing her jailer with some of the gold and silver coins she had stolen, and at the point of execution gave the bellman – who accompanied the procession ringing his warning bell – a shilling to buy a bottle of wine. Sarah was hanged on a gallows near Fetter Lane, the spot closest to where the murders had been committed.

The execution of Mary Roberts on 11 July 1780 on Tower Hill was notable for the mention of a simultaneous execution of 'a Negro girl, Charlotte Gardener'. According to the *Newgate Calendar* they had been involved in the Gordon riots. This is one of the very few instances where the victim's colour is mentioned.

As youth gave no immunity to punishment so it provided none against actually committing murder: the *Newgate Calendar* records how fifteen-year-old Elizabeth Marsh murdered her seventy-year-old grandfather, John Neville, in March 1794.



Elizabeth Brownrigg's servants. An engraving showing the hole under the stairs where one of the girls lay and where both were confined on Sundays and the kitchen where the poor girls were employed and often whipped and tortured. (Elizabeth Brownrigg, midwife, was hanged in 1767.)

Among the most squalid crimes to take women to the gallows was the brutal treatment of female servants and apprentices.

In Taunton, Somerset on 3 Mary 1740 Elizabeth and Mary Branch, were indicted for the murder of a servant, Jane Butterworth. In evidence it was stated Elizabeth Branch 'was from childhood distinguished by the cruelty of her disposition'. She married a decent man, a farmer James

Branch, and 'began to exercise her tyranny on her servants whom she treated with unaccountable cruelty, sometimes turning them out of doors at night in the midst of winter'. Their daughter, Mary, inherited her mother's temper.

When Farmer Branch died, the servants left, and to replace them the widow could only get 'poor creatures or casual vagrants put out by the parish' who had no protectors. When young Jane returned from an errand:

> . . . the daughter struck her violently on the head with her fist and pinched her ears: both then threw her on the ground, the daughter beating her on the head with one of Jane's own shoes . . . She cried for mercy, ran out into the parlour where they beat her with broomsticks till she fell down senseless after which the daughter threw a pail of water over her . . . and she used her with cruelty too gross to mention . . .

When half-an-hour later the dairymaid came indoors she found:

> her mistress sitting by the fire and Jane lying dead upon the floor . . . with blood on her cap . . . at night the body was privately buried . . .

Mother and daughter were sentenced to death. To protect them from local fury, they were taken to the place of execution before dawn. Only the jailer and half a dozen people were present, but the gibbet was found to have been cut down and a carpenter had to be summoned to make another.

> Just before 6 a.m. both were hanged . . . to the disappointment of thousands of people from all parts of the county come to witness the death of two such unworthy wretches.

Eighteenth-century London witnessed two notorious cases of apprenticed 'parish' girls being maltreated by their mistresses. In September 1767 'Mother' Elizabeth Brownrigg murdered little Mary Clifford after brutally assaulting her and the other apprentices. The following year, two milliners, Sarah Matyard and her daughter Sarah Matyard Morgan, of Bruton Street, in Mayfair, were found guilty of cruelty and murder of a parish apprentice from Somerset. Other youngsters in their employ had been systematically assaulted and compelled to do every sort of menial task at all hours of day and night. On the way to the scaffold Sarah Matyard Morgan 'had a fit and was hanged while still unconscious'.

Other milliners. Esther Hibner and her daughter, another Esther, together with Anne Robinson, were charged on 10 April 1829 with cruelty and the murder of a parish apprentice. The daughter was given a prison sentence of twelve months, and Robinson four months, but Esther Hibner bore the brunt of guilt. On her way to the scaffold, 'she exhibited a dreadful appearance . . . refusing to walk; and had to be carried by two men amid a loud volley of yells from the crowd, mainly females'.

Huge crowds could be equally vociferous against an execution when they believed a woman was innocent. In June 1815 Elizabeth Fenning, a servant, was alleged to have added poison to some dumplings to kill the Turner family. The evidence was questionable, and thousands of people came in to protest at the hanging.

Acts of benevolence could also culminate in murder. In March 1752 Elizabeth Jeffries killed her uncle, a kind and generous man who had looked after her as his own daughter. Her paramour had instigated this deed with a view to getting hold of the uncle's property. Elizabeth was hanged 'at the sixth milestone in Epping Forest'.

On a December evening in 1768 as Mr Pimlott, an attorney, was walking down Chancery Lane he was stabbed with a penknife. His murderer was Elizabeth Richardson, a prostitute with an ungovernable temper, whom Mr Pimlott had generously, but rashly, taken into his keeping.

Now and then there are instances of women escaping execution.

In 1744 a young Jewess, Lydia Adler, could have expected little mercy when charged with killing her husband by throwing him on the ground, kicking and stamping him in the groin 'whereby he died in St Bartholomew's Hospital'. He was 'of a very turbulent disposition' and in evidence it transpired 'he had two other wives'. Several witnesses were called, all of whom were Jewish; one of these 'deposed that Adler had four wives whom he beat severely and often'. In view of this situation the jury returned a verdict of manslaughter, and Lydia was sentenced only 'to be burnt in the hand'. Although not so stated in the official report manifestly only one woman could have been Adler's legal wife, and the others were prostitutes or concubines working for him: hence the astoundingly lenient sentence for a woman who had *not* committed petty treason.

In 1752 Ann Flynn was tried at the Old Bailey for stealing a shoulder of mutton from a butcher's stall in Whitechapel. She had already been held five weeks in prison for this hanging offence. While acknowledging her guilt she described the desperate situation which had compelled her crime: her husband was ill and unable to earn anything for twelve weeks, and she had two infants. The foreman of the jury 'with faltering accent' found the weeping woman guilty, whereupon the recorder replied 'Gentleman, I understand you'. He then sentenced Mrs Flynn to be fined one shilling and be discharged. The jury paid the fine. There was an amusing sequel to this unusually humane act. The prosecutor told the court how the constable had done him an injury, for, having been told by the magistrate 'to take care of the shoulder of mutton' the man had it cooked for his own dinner. The constable explained to the court 'My Lord, I did take care of it; I kept it while it was worth keeping and had my wife and I not eaten it the dogs must have dined on it!'

In 1728 a twist of fate saved a woman if not from the noose then from the final consequence. A Scotswoman, Mary Dixon, from poverty-stricken parents of Musselburgh near Edinburgh, supposedly pregnant 'by a man not her husband' – he, having been press-ganged into the

Navy – was charged at Newgate with the murder of the bastard child. Despite protesting her innocence Mary was hanged. Her body was handed over to her friends who were to transport the coffin by cart to her birthplace. The weather being sultry the friends stopped for refreshment at a public house in Peffer Mill, a couple of miles from Edinburgh; here, one of them noticed the coffin lid moving. When it was opened, up sat the hanged woman. Most of the terrified spectators fled, but a man from the inn put the 'corpse' to bed, and bled her. Next morning Mary had recovered sufficiently to walk to her own house. By Scottish law a person against whom the judgement of the court has been carried out is thenceforth totally exculpated so Mrs Dixon was free. Indeed she married her 'husband' publicly a few days later, always denying her guilt, and was still alive in 1753.

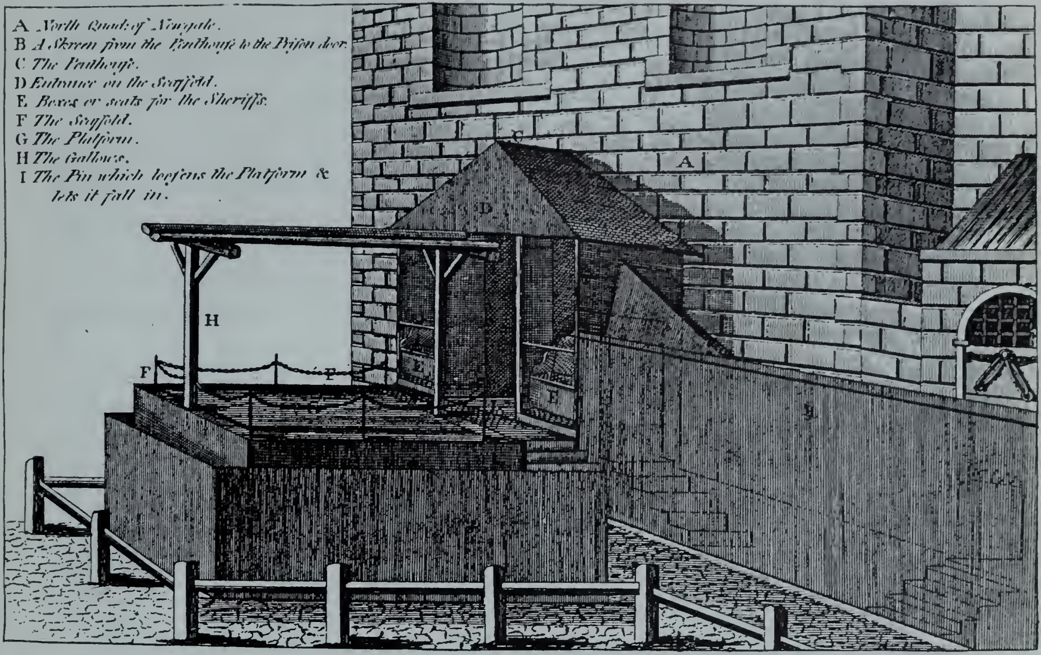
An equally remarkable escape was Ann Green's. In 1767 she was hanged at Oxford for killing her newborn child. As the doctors prepared her body for dissection, imagine their consternation at hearing a whisper in the cadaver's throat. Warmth and nursing revived her so by the next day she could speak . . . but could not be tried again for the same crime.

Until the late eighteenth century most of London's hangings took place at Tyburn, although some were held in locations near where the crime had been committed. Initially the gallows consisted of a wooden plank suspended between two trees with ropes dangling below, but later the gallows became a movable structure, specially erected for each execution.

For the poverty-striken masses, as well as the carousing young bloods, hangings provided entertainment. Originally the jeering mob had watched the condemned dragged behind a horse to the gallows, but since this three-mile journey often resulted in premature death an ox hide was provided. It was replaced by a hurdle or sledge, and finally a cart, to convey the condemned over the cobbles through mud and ordure.

Towards the end of the eighteenth century authority realized that such carnival processions accompanying someone 'going west' to Tyburn provided, rather than a warning, occasions for riotous behaviour and drunken merrymaking with attendant petty crime. So it was decided from 1783 that executions were to be held in an open space in front of Newgate Prison where the condemned had spent their last night.

The *Newgate Calendar* records some of the more picturesque biographies of women confined in that prison and subsequently hanged. Among the notorious was Moll Raby alias Rogers who had already been branded in the hand thrice for bilking. She was an expert in the dubious art of 'Buttock and Twang', enticing cullies down dark alleys and robbing them. For her crimes Moll was hanged on 3 November 1703. A month later another Moll, this time surnamed Hawkins, aged twenty-four, was hanged for stealing 'silver plate worth £50 from the house of Lady Arabella Howard'.


A North Quad: of Newgate.
B A Skreen from the Penthouſe to the Priſon door.
C The Penthouſe.
D Entrance on the Scaffold.
E Boxes or seats for the Sheriffs.
F The Scaffold.
G The Platform.
H The Gallows.
I The Pin which looſens the Platform & lets it fall in.
C
A
D
H
F
F
E
E
B

The new platform and gallows at the Old Bailey as it was in 1783, Gentleman's Magazine.

A *cause célèbre* was Madam Deborah Churchill 'of a very lascivious and adulterous manner'. Born of good family in Norwich she first married Ensign John Churchill of the Farringtons' Regiment, but, sickened by her promiscuity, he divorced her. Their marriage was probably of the Fleet variety (a clandestine union solemnized by a clergyman in that prison for debt, and a practice abolished by the Marriage Act of 1753).

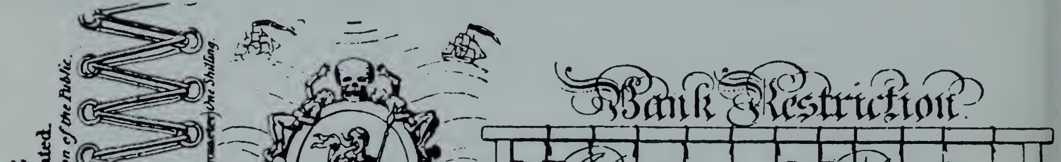
Deborah's next union 'in the Fleet Prison' was to Thomas Smith, a cooper and robber. She was committed to the New Prison at Clerkenwell, and assumed a pious character, although it was remarked 'her religion was of five or six colours, praying one day to God to turn her husband's heart and next day cursing him and the time she ever met him'. She was sent no less than twenty times to Clerkenwell 'being whipt every time and beating hemp from morn till night on bread and water'. But failing to reform her ways, she was hanged on 17 December, her second husband having been hanged the previous day at Newgate.

To Tyburn in March 1740 came Mary Young, alias Jenny Diver, 'an Irish girl, leader of a gang of pickpockets'. She had already been transported to Jamaica and again to Virginia, living there in great splendour on her ill-gotten gains. After her second – illegal – return she was arrested and tried at the Old Bailey. Another member of this Irish gang to go to the gallows was Hannah Dagoe, who put up such a fight, that she knocked the hangman out of the cart and 'dared him to hang her'. She then tore off her clothes and flung them to the crowd so depriving the hangman of a valuable 'perk' since the clothes and bodies of executed criminals were the property of the hangman who was then permitted to sell the corpse to relatives for burial or to surgeons for dissection. In a final act of defiance, when the rope was around her neck, Hannah deliberately threw herself off the cart to break her neck.

1771 witnessed a case which troubled those who were beginning to have doubts about the justice of the death penalty for petty crime. Mary Jones, not yet nineteen, whose husband had been press-ganged, leaving her with two small children, was evicted from her lodging because she had no money for rent. She was caught trying to steal muslin from a shop in Ludgate Hill. When sentenced to death she was still suckling her youngest child.

Later, in the House of Commons Sir William Meredith thundered, 'I do not believe that a more foul murder was ever committed against the Law than the murder of this woman by the Law!'

Death was the mandatory sentence for anyone returning before their term of transportation was completed. Due to the efforts of John Howard and other would-be penal reformers a section of opinion was troubled by the number of offences to warrant hanging, which may account for Elizabeth Greeve's luck. This notorious swindler had been


BANK RESTRICTION NOTE
Specimen of a Bank Note _ not to be imitated.
Submitted to the Consideration of the Bank Directors and the inspection of the Public.
Published by WILLIAM HONE, Ludgate Hill Price with the Bank Restriction Barometer One Shilling.
Bank Restriction
Nº AD LIB Nº AD LIB
BANK POST
BANK POST
During the Issue of Bank Notes easily imitated, and until the Resumption of Cash Payments, or the Abolition of the Punishment of Death,
For the Govr. and Compa. of the BANK OF ENGLAND.
J. Ketch
Entd. at Stationers Hall

The 'Hanging' banknote, 1817. George Cruickshank was so horrified at seeing a number of persons hanged for passing forged one pound Bank of England notes that he drew up this note. Its powerful appeal led to the Bank of England withdrawing the notes.

transported, but returned illegally; instead of hanging she was sentenced to a further period of transportation on 3 November 1773.

Yet in 1800 many people's strenuous efforts to get a reprieve for Sarah Lloyd failed. Charged with petty larceny at Bury and obviously a dupe and not a villain, she was still hanged at the Old Bailey.

Insanity was the mitigating circumstance against the death penalty so that when on 17 July 1796 Ann Broadrick murdered Errington who had jilted her she was adjudged not guilty but insane.

In 1817 the caricaturist and illustrator George Cruickshank joined the ranks of the influential seeking to moderate the severity of the criminal law. He was living in Dorset Street off Fleet Street, when he wrote to a friend about the amount of forged one-pound notes in circulation for which the penalty was death or transportation. Returning home about nine o'clock he saw several human beings hanging on the gibbet outside Newgate

> . . . to my horror two of them were women whose 'crime' was passing forged one pound notes. That a woman could be put to death for such a minor offence had a great effect on me and I determined to put a stop to this shocking destruction of life for merely obtaining a few shillings by fraud . . . in many cases the rascals who had forged the notes induced these poor ignorant women to go into the gin-shops and 'get something to drink' and pass on the change to the forgers. I went home and in ten minutes designed and made a sketch. Soon afterwards William Hone came in and asked 'What are you going to do with this, George?' 'To publish it' I said. So it was done.

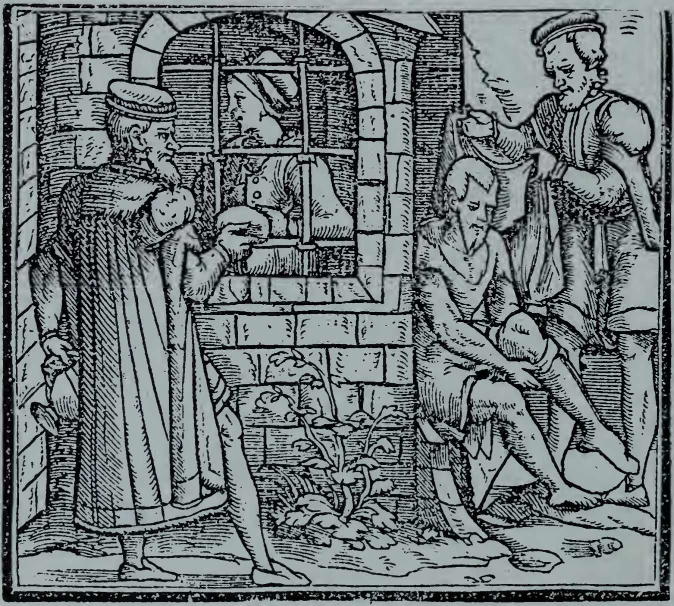
Cruickshank claimed this helped bring to an end hanging for minor offences.

But it was 1832 before forgery, together with housebreaking and sheep-stealing, ceased to be capital offences, and only after 1838 was no one hanged except for murder, attempted murder or treason. In 1868 an act was passed to ensure that in future executions were to take place within prison. It should be noted that not every murderer was sentenced to death: in March 1873 Elizabeth Davidson, convicted of murdering her child at Aldcliffe, had her punishment commuted to penal servitude for life; yet at the same time a man living in Brewery Street, Lancaster, who had murdered his elderly housekeeper, received only five years penal servitude.

In 1955 Ruth Ellis made the pages of history in Holloway Prison by being the last woman to be hanged in England. The twenty-eight-year-old model's crime was more ancient than civilization: she had killed the lover who betrayed her.

7 Penance

The Devil's Gateway and the Price of Pleasure



The signification. *From 1553, bishops could issue a* significavit, *a certificate warranting that the person named was a heretic. The presentation was known as the signification, and it preceded the immediate arrest and imprisonment of the offender. The imprisoned woman here is receiving a loaf of bread from a well-wisher, what time the jailer is taking off the man's clothing prior to imprisonment.*

> And do you know that you are Eve? God's sentence hangs over all your sex and His punishment weighs down upon you. You are the devil's gateway; it was you who first violated the forbidden tree and broke God's law . . .
>
> Tertullian AD 160–225 '*De Culta Feminarum*'

More humiliating than painful was public penance, a practice which emerged once Christianity became the recognized religion. In England this can be traced back to the laws of Aethelberht, King of Kent, who married the Christian princess, Bertha of Paris, whereupon his subjects were ordered in 596 to become Christians and to accept a set of moral concepts hitherto quite unknown to them. Last week's pleasure became this week's wickedness! Not surprisingly, the pagan inhabitants of what was then known as Lunden-wic rejected these new restrictions and in 610 violently dismissed Bishop Mellitus who had been foisted upon them. But now, the duty of all persons of whatever station was to be Christian; they were subject to the rules of the Church, which later became a framework upon which the country's system of laws were based.

With William the Conqueror came co-ordinated state domination and the power to make Christianity the state religion, but while Civil organizations were being established the Church alone had the structure to exercise the practical application of the new rules and regulations over a population still mainly consisting of persons whose commitment to Christianity fell well below Church expectations. Large areas nominally Christian contained ignorant and illiterate folk of all degrees who knew only of religion's moral restrictions and had no understanding of its moral ethics.

The greatest stumbling-block was human sexuality. St Augustine's doctrine of original sin, unique in the West, meant that sexual desire was chronic sinfulness. Even if sex and Christianity were incompatible, for the majority a life of chastity was impossible and unappealing. It was not difficult for many men to blame their own sexual feelings on the women who aroused them. Without these 'daughters of Eve', men could comfort themselves, they might have avoided sinning. Thus the woman's was the greater guilt, frequently compounded and advertised by her swollen belly.

After blasphemy, fornication and adultery were the major sins, although many other diversions were conductive to sinning: card-playing, immoderate quaffing of alcohol and, much later, smoking might be regarded as foreplay to sexual indulgence. And dancing, according to that staunch Elizabethan Puritan Philip Stubbs:

> is an introduction to whoredom, a preparative to wantonness, uncleanness and an introite to all kindes of lewdness . . . filthy gropings and unclean handlings . . . bussing, smouching and slabbering one of another . . .

The remedy for all this sinful behaviour was confession and absolution through the church courts in local parishes, which punished the sinner with acts of public penance.

For men and women who had taken holy vows there existed a provision for private penance: often a period of forty days and nights confined in a small unheated, unlit cell, in total silence, on a diet of bread and water. Frequently the miserable sinner was scourged.

Occasionally sexual lapses among members of religious orders entailed more drastic treatment. In the Gilbertine monastery of Watton in Yorkshire in the twelfth century a four-year-old girl was placed in the nunnery to be instructed and eventually take the veil. The child grew up to have 'an impudent expression, a lascivious walk . . . indulging in unrestrained talk . . .' Thus, she was heading for damnation . . . which appeared in the form of a particularly handsome monk. The young couple fell in love and met secretly each night.

Unfortunately the affair became known to her sister-nuns. In their anguish at this stain on the reputation of their nunnery, they attacked the girl and tore off her veil. Some advocated she should be skinned alive, others favoured tying her to a post and burning her over glowing coals. Eventually they compromised to beat the sinner and cast her into the nunnery gaol. As time passed the prisoner was discovered to be extremely pregnant, and all hell broke loose. The nuns wailed and sobbed, feeling her disgrace as their own. They feared her cries in childbed would reveal their shame; but they were also afraid to expel her lest she die of hunger. They forced her to arrange a meeting with her lover, intending to put 'the adulterous whore with her swollen belly' into his hands 'as the loathsome source of her sins'. They confided their scheme to the monks, who ambushed the unfortunate lover at the trysting-place and beat him with cudgels before handing him over to the nuns who wished to force 'the wretch to confess his sin', but changed their minds to a more bloody intent. They threw him to the ground, secured him with ropes, exposed 'the source of his sin' placed a knife in his hand and forced him to castrate himself (other sources say they forced his mistress to castrate him). As a final act of revenge one of these 'peerless virgins' thrust the bloody remains of his manhood into the mouth of his mistress. Although the actual scandal seems to have been hushed up the upshot was an inquiry instituted by the Pope into the running of the Gilbertine institutions. Thereafter strenuous efforts were made to keep the sexes separate in the religious houses; clearly the threat of penance was an insufficient deterrent when passion prevailed.

For layfolk penance usually took place within the local church. Barefoot and bareheaded, men and women would be dressed in a plain white shift, walking in silence holding a candle in front of them 'in an expiatory position'. If their sin was fornication they were seated on a stool of repentance in full view of the congregation, to whom they were well known. The priest would then verbally excoriate them for their sinfulness. In the church at Claverley, near Birmingham, the seat of penance was in a niche in one of the pillars, 'half circular, six feet high with a slab of stone for a seat', ensuring that both soul and backside were equally punished. Adulterers would usually be obliged to extend their barefoot peregrination around the church through the village or town streets by an ordained route. One of the earliest records is from Beverley, in Yorkshire, when in 1279 a couple 'did penaunce in the Market Place for adultery'.

Churches were not only the setting for penance; all through the

Middle Ages, up and down the kingdom, 'fornication' occurred within their actual confines. Indeed St Paul's Cathedral in London was often publicly castigated for the indecencies (as well as the crimes and felonies) committed within and without. Even the power of the civil arm could not control, much less eradicate, such activities in the holy places. On Palm Sunday, 4 April 1574, in Hastings, Jane Hampton, a shoemaker's wife, 'did open penaunce for fornication in St Clements Church before 100 persons at ye Communion tyme'.

Church precincts and public thoroughfares were not the only settings for acts of penance. At Wing, Leicestershire, the ancient turf maze was once connected with pagan ritual but there is a tradition following the establishment of Christianity that those guilty of various religious misdemeanours were compelled to tread round it as a penance . . . perhaps as a reminder to keep to the straight and narrow path.

For *hoi polloi* penance sometimes provided an opportunity to watch the famous and noble brought low, probably the equivalent of reading today's more salacious Sunday tabloids. In London in 1441 Eleanor of Cobham, formerly the mistress and then the second wife of 'the Good Duke' Humphrey of Gloucester, Henry VI's youngest brother, was tried for treason. She was accused of having a wax image of the king fashioned to be melted over a slow fire to procure the monarch's death. Eleanor was certainly ambitious, indiscreet and unpopular, and known to have 'an interest in branches of learning frowned upon by the Church' and therefore suspected of necromancy and witchcraft. Duke Humphrey's enemies at court took advantage of the taint of heresy to destroy her and discredit him. An ecclesiastical court required Eleanor to abjure her heresies and perform the most impressive public penance on three separate occasions through some of the busiest of the city's thoroughfares. The first was on Monday 13 December when clad in black, barefoot and bareheaded, she walked from the Temple Bridge through Fleet Street to St Paul's. On Wednesday 15 her penance route was from The Swanne in Gracechurch Street through to Christchurch, Aldgate, and finally on Friday 17 from Queenhithe to St Michael's, Cornhill. In each instance the Duchess carried a 2 lb wax candle to be offered on the high altar of the churches.

Although imprisoned for the rest of her life, Eleanor's noble connections saved her from execution, the fate meted out to members of her household. She was finally moved to the Isle of Man where she died, forgotten, in 1457, having outlived her husband by ten years.

As infamous, and certainly very lovely, was Jane, the daughter of a wealthy London goldsmith, Master Matthew Shore, who became the merriest of the three mistresses of Edward IV. When the king died in 1483, his exactions having angered so many people, revenge was taken on his mistresses who were promptly apprehended. According to Fabyan's *Chronica Maiora*:

> . . . shortly after was a woman named Shore that before days after the common fame . . . all her movables were attached by the Sheriffs of

> London and she was lastly as a common harlot put to open penance for the life she had led with the Lord Hastings and other great Estates . . .

As penance Jane was paraded through the streets of the city of London with the utmost ignominy. She lived the rest of her long life in direst penury, dying aged 90 in 1533.

Not all high-born women sentenced to perform penance proved tractable. In 1617 the fourteen-year-old heiress, Frances Coke, had to be 'tied to the Bedposts and whipped' until she consented to marry the unpleasant and insane John Villiers, later Viscount Purbeck, to satisfy her stepfather's ambition to regain the favour of James I. The omens for a happy marriage were scarcely propitious. Eventually she ran away from her husband and embarked on a long and serious love-affair with Sir Robert Howard, by whom she bore a son.

Adultery was still officially a matter for the church courts (the common law was only just beginning to establish its jurisdiction in certain cases); and an ordinary couple could expect to perform humiliating penance. However, Lady Purbeck and Sir Robert belonged to the class where marital infidelity might be glossed over, except that the Villiers family were favourites of King James I.

The lovers were summoned before the Court of High Commission. The proceedings continued sporadically over three years during which Lady Purbeck behaved with spirited defiance but eventually the couple were found guilty and condemned to public penance. One of the last acts of James I before his death in 1624 was to sign a warrant by which Frances, her baby, its nurse and her other servants, were committed to the care of Alderman Barkham of the city of London. Sir Robert Howard received a coronation pardon from the new King Charles I, but by 1627 there seemed no way Lady Purbeck could avoid doing penance. In addition to paying a £500 fine, she was to walk barefoot on a Sunday, dressed in a white sheet, from St Paul's Cross to the Savoy, and there stand at the door of the church in full public view. Frances refused to comply, and, disguised as a page boy, escaped her custodian.

In the mid-1630s the lovers unwisely returned to London, and Frances was imprisoned in the Westminster gatehouse. Still determined not to do penance, she escaped with the assistance of the turnkey, and made for France to be reunited with Sir Robert. From there, Sir Kenelm Digby described her as possessing 'prudence, sweetness, goodness, honour and bravery beyond any other woman he knew'. To the fury of the French, Charles I even attempted to have the writ served on her in Paris. Without the penance ever being performed Lady Purbeck eventually died in June 1645 at Oxford to be buried in St Mary's Church; showing sincere devotion to his brave mistress Sir Robert Howard remained a bachelor until her death.

As well as sexual transgressions the church courts dealt with slander – frequently relating to a neighbour's sexual lapses – equally meriting penance in church before the congregation or in the streets before a wider audience. In addition to penance there were financial penalties, which in cases of adultery, or even of false witness, could be heavy.

Given the amount of sexual junketing recorded by the Consistory Courts, reputations could easily be lost. 'They may as well take my life as my good name from me' applied to both high and low. Once doubt was cast on the virtue of any woman, however innocent, that old adage 'there's no smoke without fire' applied. For the poorer sections of the community frequenting the ale-houses swapping tall tales about socially better worthies must have been a heady pastime.

The language used in slanderous allegation was pungent. In 1601 Ann Edwards of Chester was described as 'a shaven arsed shaven tayl'd whore'. At Manchester in 1603 Edward Chetham called Katherine Hargreaves 'a curtail and common whore'; Dorothy Wright said that Charles Knott's wife was 'a cut jade quean and sick for a Tarse' (penis). Lawrence Swettenham was described as 'a Rogue and Whoreson Rascall and his wife a scurvie Queane, a Cutt of a Whore'.

Despite the hunting out of sexual misdemeanours reports show no diminution in accusations of fornication at locations which only overwhelming lust could have made at all convenient: a malt sack, a side table, tombstones, and upon occasion even a privy; and, of course, the yards at the back of inns and alehouses were always popular.

Lovemaking was influenced by the style of female dress: the upper part of the body being laced into a bodice while the lower limbs were only covered by a smock and maybe a petticoat, so that a man had immediate access to the 'privities' below the waist. All that was needed was for the woman to pull up her smock and for the man to untie the laces of his breeches, which then fell to the ground, when both would commit 'naughtiness'. There were naturally a great many 'peeping Toms' and Thomasinas who derived their own kind of satisfaction out of spying and telling tales.

It is difficult to imagine the sober faces of members of the Consistory Court as they listened to confessions and accusations. Jane Sharples of Manchester admitted to being 'naughty' with Oswald Charlton on Salford Bridge, and Anna Roscoe accused Elizabeth Massie of 'being taken naughty with James Hibberd openly in Market Stead Lane'. Elizabeth had been seen by Jane Waddell being naughty 'in the ditch at Woodcock Lane, Eccleston on Palm Sunday morning 1637'. Christmas morning 1664 was a time of carnal merrymaking for Jane Radcliffe and Peter Warrall: the constable of Warrington 'seeing something white moving in the corn stubble in Wheatcroft Field' discovered the white thighs of Jane while Peter's leather 'britches' were half down. A Court had to listen to the complaint that Ellen Alcocke had 'layn with John Burgess soe longe that hee was soe weake hee coulde scarce eate a fried egg'.

Although the poem 'The Fair Penitent' penned by Nicholas Rowe (1674–1718) presents a contemporary image of penance, the heroine is undoubtedly an idealized image.

Submissive, sad, and lonely was her look;

> A burning taper in her hand she bore;
> And on her shoulders, carelessly confused,
> With loose neglect her lovely tresses hung;
> Upon her cheek a faintish flush was spread;
> Feeble she seemed, and sorely smit with pain;
> While, barefoot, as she trod the flinty pavement,
> Her footsteps all along were marked with blood.
> Yet silent still she passed, and unrepining;
> Her streaming eyes bent ever on the earth
> Except when, in some bitter pang of sorrow,
> To heaven she seemed, in fervent zeal to raise,
> And beg that mercy man denied her here.

Despite the threat of penance, our seventeenth-century ancestors were certainly uninhibited, and there are frequent accounts of men exposing themselves in the ale houses or with their hands fondling a woman's 'plackett'. Women were no less exuberant in their sexual romps, and the courts were regaled with tales of groups of them manipulating male sexual organs 'to rub them until they stand'.

At this time the English were described as 'one of the noisiest, aggressive, brutal and bloodthirsty of nations' with a social structure of a relatively small core of rich merchants and landlords, a closed class of landed nobility and a mass of poor landless and jobless workers and peasantry trying to adjust to a waning feudal system, which – more or less – died with the Restoration. The Church no longer commanded respect as a punishing arm. To quote a contemporary:

> The multitude call Sunday their revelling day which they spend in bull-baiting, bear-baiting, gambling with dice and cards, dancing and whoredom . . . pipings and dancings, fornications and adulteries in ale-houses, churchyards and in the streets.

Those rapid and bewildering swings between Catholicism and Protestantism between 1545 and 1580 had resulted in people doubting the absolutes propounded by religion.

The degree of decline was reflected in clerical behaviour in different parts of the kingdom. It was widely known that many vicars and curates were sons of shopkeepers or artisans with little or no education, who gave themselves 'to vaine and idle pastimes, in bowling alleys and dice games, brawling, usury and fornication'. Some vicarages actually had licensed ale-houses attached to them at which not only locals but men and women from afar could refresh themselves . . . even on the Sabbath.

Nor were these members of society who might be expected to set a high moral example exempt from carnal sin. The Vicar of Wrenbury, Joseph Ottiwell, tried for a quarter of an hour to rape his parishioner, Alice Edge in the schoolroom 'till he fowled her garments with his Nature'. He was heavily penanced with costs.

So it is not surprising that intervention by a local worthy could not always prevent public naughtiness. On 15 August 1665, William Miles, a churchwarden of Stockport told the Consistory Court of the unseemly behaviour in the alehouse between Robert Sydebottom and Isabella Ashcroft, and that even when another churchwarden had tried to interfere 'the aforesayde Isabella replyed, Gods Wounds! I will fucke out my fuckeinge even if the King come', causing the churchwarden to slink out 'ashamed to see them do the aforesayd Evill.'

Just as it could hand out shaming penance so the Consistory Court could award certificates of good character. In 1691 Joshua Horrocks consistently indulged 'in lewd behaviour with Elizabeth Walkden in a Cow Boose' substantiated by them both emerging covered with straw. Joshua obviously had influence with members of the Consistory Court, since although he was in the habit of 'showing his privy member' to various women, a certificate of good character enabled him to avoid humiliating penance.

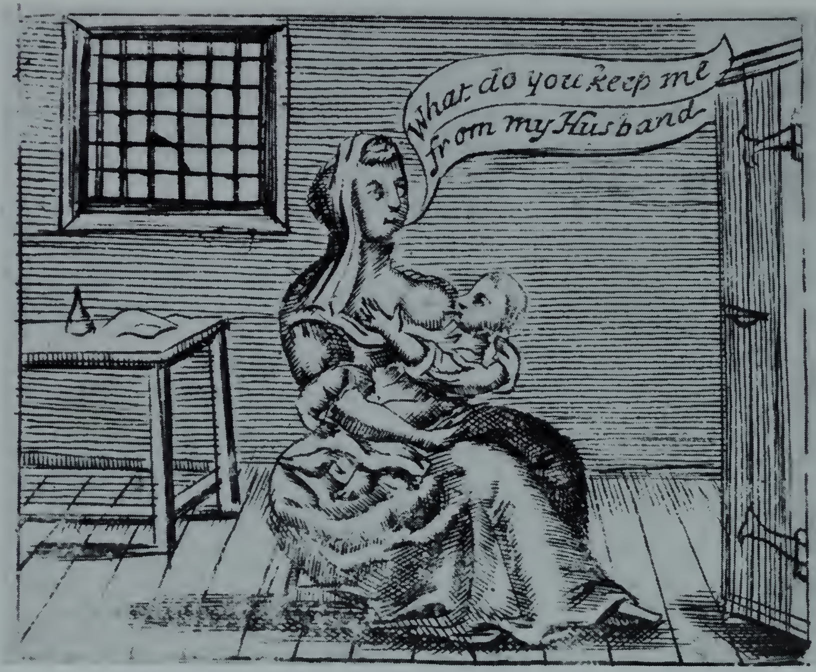
But Consistory Courts had long arms and memories when it came to the 'weaker vessel'. In 1637 Elizabeth Hulme of Wigan was summoned to appear for adultery with Titus Marsh, as well as giving birth to a bastard child. That the indiscretion had occurred twenty-four years previously did not prevent her having to perform public penance, barefoot in a white sheet, in the churches at Bolton and Blackrod.

As the seventeenth century advanced the numbers of cases of sexual laxity, especially among the poor increased, causing both lay and religious authorities great concern. It was especially marked during the Stuart reigns when there was a threefold increase in bastardy. The Civil Wars between 1642 and 1648 led to considerable freedom among women and a consequent rise in 'sexual crimes'.

Male attitudes demonstrated a fundamental lack of respect for women. Any female of the same or lower order was legitimate prey for men whose wives were ill or no longer sexually attractive. A norm was established: if a girl became pregnant the seducer could marry her or provide maintenance for the child.

Village pressure was as heavy on any girl who became pregnant and could not find a husband as on the 'lewd and lightwomen' in their community; although the latter provided a reservoir of sexual outlets for even the most respectable pillar of the community. In 1697 the Rector of Doddleston was presented for adultery with Jane Harris, Mrs Barlow and Betty Yates – who was of ill repute – having requested Jane Sinclair, the keeper of his local ale-house, 'to help him to a little cunt'.

Consistory Courts could not order anything but penance or excommunication, neither of which impressed Puritans or dissenters. Parliament abolished episcopacy in 1643, so that all issues triable by an ordinary or bishop would thenceforth be tried by jury in the usual manner, and matrimonial and divorce matters had to go to assizes or quarter-sessions, marking a considerable social revolution. Although episcopacy was brought back under the Stuarts there was substantial opposition to the sentence of excommunication and penance. By canon law clergy were not


What do you keep me from my Husband

Woman breastfeeding in prison. From Moses Pitt, Cry of the Oppressed, *1689.*

supposed to be penanced, but it did occasionally occur: in 1700 the Vicar of Ripon, John Bland, was penanced:

> to appear dressed in mourning apparell . . . for fornication with Marion Hoope at the Lectern; she is to wait . . . and make her penance at the communion rails . . . both parties to be heard by the Dean of Ripon.

By the late seventeenth century it became customary to pay for private penance, either in the vestry before five witnesses or in a private house. By now too, the ducking-stool and the branks had become the preferred instruments for the civil authorities to punish female 'crimes' of abusive language and slander, such as when in September 1686 Margaret Goulden of St Oswald, Cheshire, called Maria Tuchet 'a whore and bastard tilling' ('tilling' being a grandmother of whores). For the 'lower sort' such public humiliations proved more entertaining spectacles than penance, perhaps a modest equivalent to the ancient Roman bread and circuses.

Whatever the punishment inflicted, the devil's gateway remained unbarred. Many women were frankly promiscuous. The wives of soldiers and sailors were liable to develop irregular relationships, since they never knew if, or even whether, their husbands would return. Often when a husband did return he would make some agreement with the usurper and disappear again.

Women indulging in commercial sexual transactions divided roughly into four categories. The wandering whore earned what she could from casual encounters at fairs or markets, sometimes outside inns or at crossroads. The village whore was often regarded as the protector of the chastity of her more vulnerable neighbours. There were public whores working from a tavern or a brothel, and the private sort with a few special regular clients.

In general, earnings were not generous. Some women increased them by latching on to a traveller 'laying in bed as man and wife' to fake respectability in the inns. One woman leaving the hill hamlet of Luxborough announced she had never been in a place 'where kissing was so scarce'. Lucy Francis and Mary Hodges worked the Dulverton and Exbridge ale-houses in pairs charging half-a-crown a time. Many inns and taverns owed their dubious reputations to the availability of such girls, and because these premises were usually old, and built of lath and plaster, cracks in walls and door afforded the prurient a peep show.

The Swan Inn at Wellington and The Bear at Wells were esteemed for the extra services provided to male customers. A barmaid giving evidence that 'a man had offered her a shilling to go into the back-side uttering lewd and filthy words to tempt her to adultery' found it difficult to convince local magistrates she was merely an innocent employee since one of these gentlemen knew how she had jumped at such offers on previous occasions. Illegal ale-houses also catered for carnal appetites. At the village of Pitminster, the Harbord sisters 'doe sell ale and keep disorder in their house persuading young men to stay there all night.'

In Derby around the end of the seventeenth century there was a popular ale-house ditty:

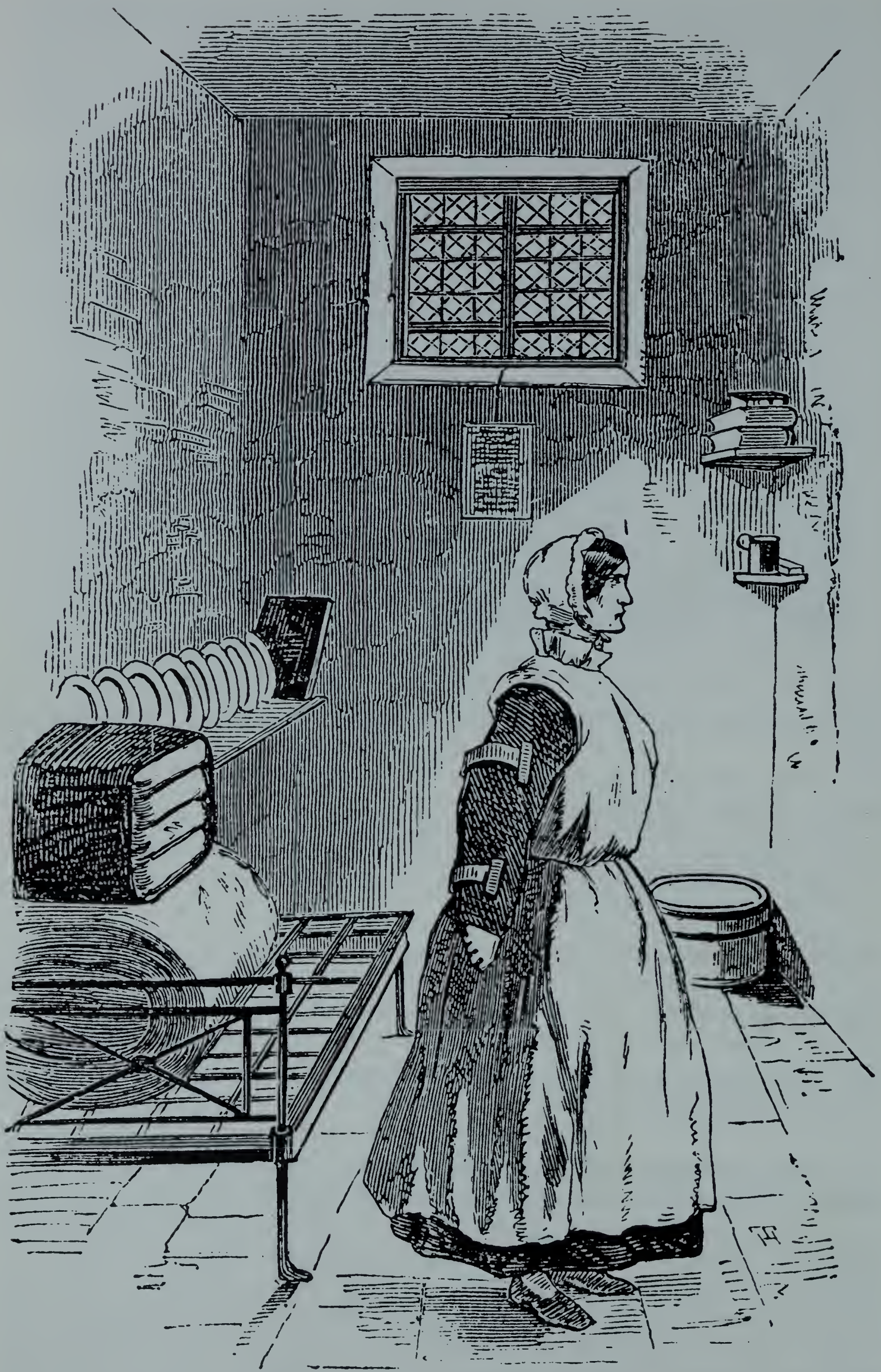
> There standes a Howse in Derby
> Nott farr from The Olde Swanne
> The Wyff will play at Tarly
> With Joe the Servinge-man

with the refrain:

> But Old Mother Rumpe and her daughter plump
> – they will never refuse it.

In sharp contrast to the outraged reactions of respectable folk towards some unmarried girl who fell pregnant, communities often adopted a curiously tolerant, even Rabelaisian, attitude to social misfits who indulged in flagrant sexual misbehaviour. Of Mary Combe, an innkeeper's wife, 'man after man among the drinkers in her inn complained that she put her hand into their breeches, proclaiming that if it were ready to stand she was ready for it.' Official inaction to Mary's activities implies officialdom closing its eyes, and by the request of her husband and neighbours Mary's 'lewdnesses were respited'.

This 'vigorously outrageous and bawdily uproarious' woman was



A female convict in canvas dress, a usual punishment for tearing her clothes. Brixton Prison, 1830.

allowed extraordinary licence in provocative sexual encounters, and was renowned 'for plucking up her coates (petticoats) and smock and sitting astride any man lying on his back', sometimes wandering round the parish stark naked. She delighted in shocking the godly, forcing many a worthy 'to be naughty' with her, and 'would stand outside the inn with her smock pulled up urinating in front of her foes'. Her flair for social organization was demonstrated in 1653 when she arranged an orgy 'for cuckolds and cuckolds makers'.

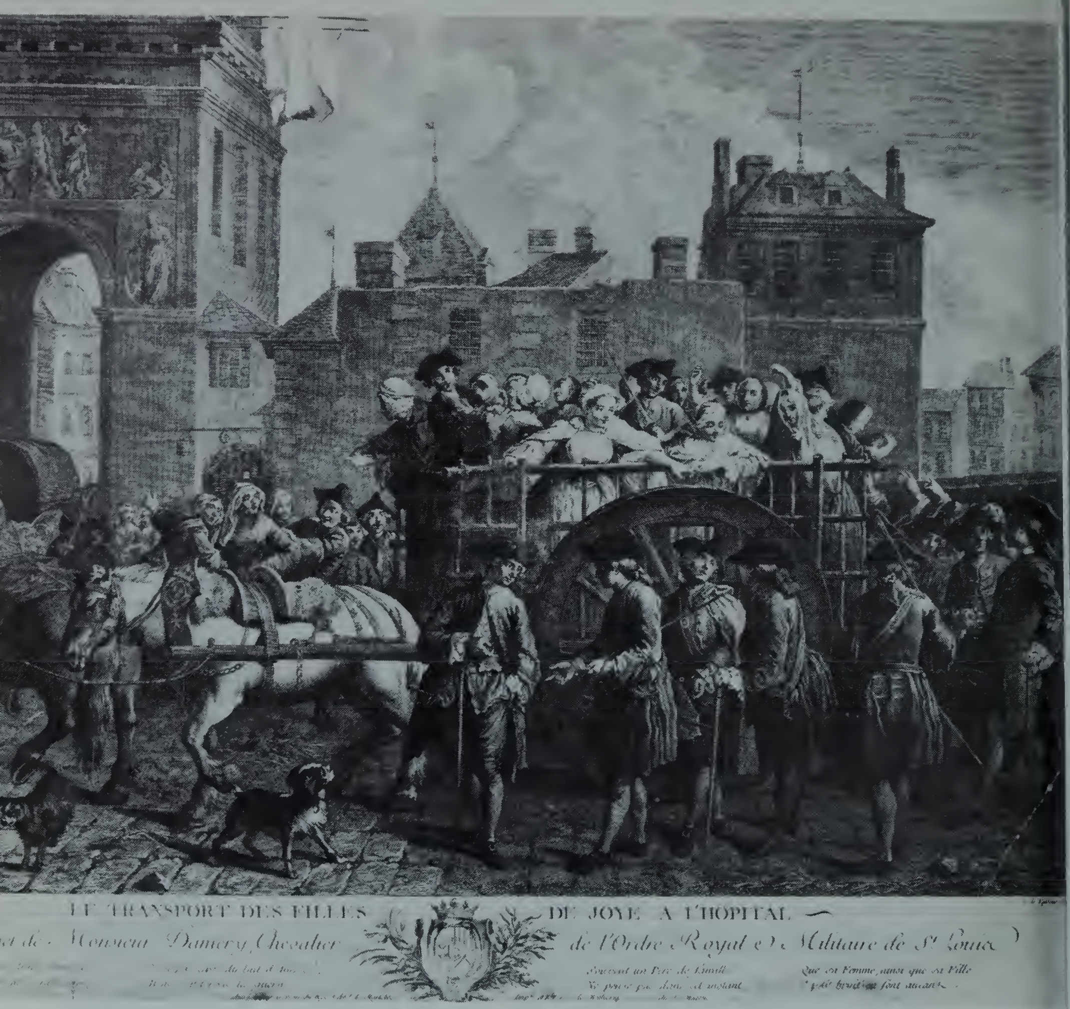
Eventually Mary was brought to book, but the crowd, which included her brothers and neighbours, roundly abused the justices, and tried to release her. In the event the justices decided discretion was the better part of valour and chose 'to ignore the situation'.

Yet, as records from Beverley Minster and its local churches show, penance was still being performed in the eighteenth century indicating contemporary morals and manners. In September 1726 three couples did penance for 'ante-nuptial fornicacion'; in December 1743 Sarah Ayre and Stephen Gray were separately censured and punished, followed a year later by John Ayre who fornicated with Mary Sagg. April 1747 witnessed many simple fornications, but Mary Holmes deserves special mention since her penance was for fornications resulting in 'Twin bastard children, father unknown'. In April 1750 Susannah Hopkin was publicly censured for incest with her son-in-law Thomas Hopkin, and a couple of 'spinsters' were likewise punished for their fornications. Such penalties seem to have been inadequate deterrent: between 1709 and 1766 in St Mary's Church alone 143 persons were excommunicated or made to perform humiliating penances.

Excommunication for slander continued into the nineteenth century. At Redcliff near Bristol in 1809 Mary Anne Dix, aged eighteen, 'slandered Mrs Ruffy, wife of the Exciseman . . . that she kept a house of ill-fame'. She was excommunicated 'in her local church although she was quite ignorant of the purport of the proceedings and the sentence' and was also ordered to pay £12 7s 11d. Moreover, because her father was poor and unable to pay these costs which had escalated to £30, she was committed to prison. That was not the end of Mary Ann's story: in January 1812 she petitioned Parliament for release, stating 'she had been twenty-six months in prison and would have starv'd but for the charity of the benevolent'.

The authorities also offered some picturesque alternative methods of punishing immorality: in December 1729 the nine Bristol aldermen ordered a woman who had committed 'lewdness' with two men should with them 'be put on horseback and rid through the streets according to ancient custome'.

This peculiar shame-making ceremony echoes the skimmington, an old custom in rural England and Scotland to ridicule nagging wives or unfaithful husbands. To the accompaniment of rough music made with pots, pans and skimming ladles, a man mounted on a horse with a distaff in his hand, and facing the horse's tail, rode behind a woman who beat him about the jowls with a ladle. As this noisy procession


LE TRANSPORT DES FILLES DE JOYE A L'HOPITAL
Monsieur Damery Chevalier de l'Ordre Royal et Militaire de St Louis

Le Transport des filles de joye a l'hopital. *In Paris in the early eighteenth century, bawds and whores were taken in tumbrells to special houses of correction where they might be redeemed. In Covent Garden these women were dragged at the cart-arse and whipped all the way to the bridewells, cursing and swearing and being pelted with stones and refuse by onlookers.*

passed a dwelling where the woman was known to nag or the husband be unfaithful the participants gave the threshold a sweep.

A similar ancient and extremely uncomfortable custom was 'Riding the Stang' which seems to have arisen in the north country or lowland Scotland. This required a hen-pecked husband or a man known to mistreat his wife to balance on a stang (an old Teutonic word for a pole or a stake) – a rod or long plank, often a cartshaft – hoisted on men's shoulders and be carried in procession amid the jeering, hooting neighbours. The procession would stop every fifty yards or so, blowing whistles and trumpets, to shout or sing a rhyme about the 'offence'. The most common one seems to have been wife-beating. On 20 September 1635:

> . . . a bagpiper fetch'd William Hodson from his home and carried him on the stang about the churche withe the Mob dancing before him. He was unrepentant and said that he would do it again if necessary

By 1650 wife-beating had become an offence but was still widely practised and regarded as a husband's right, underpinned by Holy Writ. Occasionally, roles were reversed. In 1790 the villagers of Northenden in Cheshire rode the stang to the door of Alice Evans, chanting:

> Ran-a-Dan, Ran-a-Dan, Ran-a-Dan
> Mrs Alice Evans has beat her good man;
> Neither with Sword, Spear, Pistol or Knife
> But with a pair of Tongs, she vow'd to take his life . . .

and warning her 'that if she would henceforth be a good wife' they would ride the stang no longer to her door.

The intention of these noisy bucolic ceremonies was to shame offenders into ceasing whatever misbehaviour was common knowledge in the community. Frequently what started off as a good-humoured romp ended in a free-for-all, depending upon the amount of liquor consumed or the degree of rancour engendered.

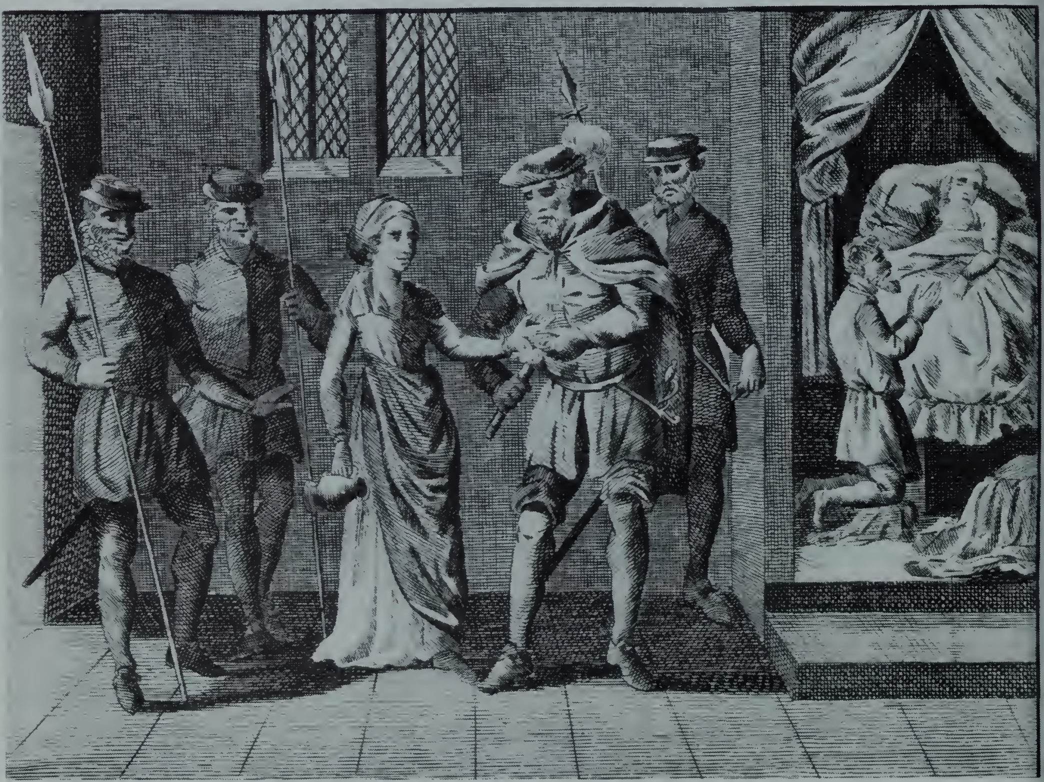
Another sort of ride was reserved for prostitutes. Bawds and whores were drawn through a town on a tumbrell or cart, wearing on their heads a dunce's cap of paper setting forth the nature of the offence . . . which must have made titillating reading. According to old tradition a bawd would be seated a little higher and clad in a 'blew mantle' to show her importance: she was after all a good customer to local tradesmen. A bellman preceded the cortege ringing his bell to attract the crowd's attention. From the fifteenth century there might be minstrelsy: an impromptu group playing musical instruments and pipes, or banging pots and pans. Barbers even used to hire out their basins for banging upon to supplement the 'orchestra'. Sometimes one or more 'clients' would be included on the cart.

Leicester's accounts give some idea of the cost of these processions. The recorder was so upright he put four asterisks rather than pen the word 'whore', however *queane* was acceptable.

1586	ITEM	Paid for a Carte & to the Beadell for carting of twoe Harlotts abowte the Towne	xij.d (12d)
1598	ITEM	Paid to Whittell for his horse & Carte and one that ledd the Horse & Carte abowte the towne to carte Mary Smythe and John Wylkynson, Glover	xij.d
		Paid to George Longley for payntynge of two papers sett on Marye Smythes head & other work	iij.s (3/–)
1613	ITEM	paid for a Horsse & Carte, three Holborde Men and one other man to Ring the Bell when John Camden and	

		his **** were by Order of the Sessions Carted abowte the Towne	iij.s vj (3/6d)
1614	ITEM	Paid to the *Burneman* for his Horse and carte to cart a Knave and a Queyne which came from Coventre	xij.d

The burneman was the official who branded petty offenders on hand or thumb. From Tudor times branding was a punishment for an assortment of offences, sometimes by itself, sometimes, depending on the gravity of the crime, followed by transportation, imprisonment or whipping. Branding usually entailed the initial of the offence burned indeliblibly on to the flesh of the hand, but often on the cheek, forehead or shoulder.



'Rose Allin's hand burnt with a Candle by that monster of Inhumanity Edmund Tyrrel', c. *1580. From Foxe's* Book of Martyrs.

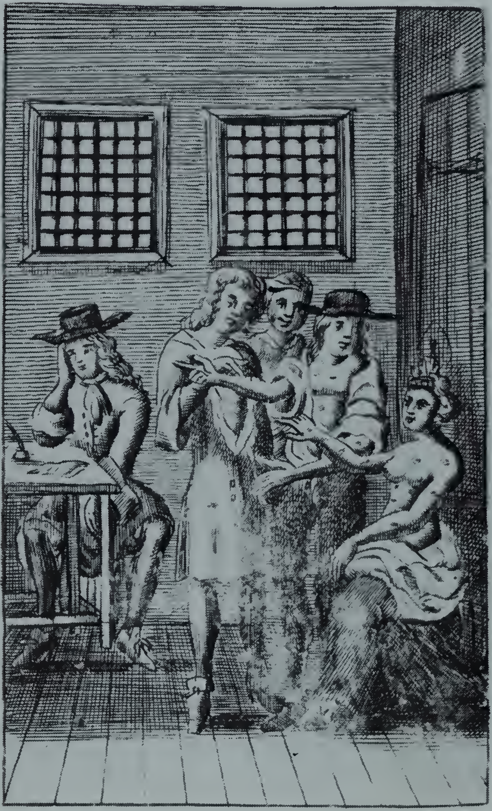
A proclamation of 1513, during the reign of Henry VIII, punished brothel-keepers by branding them on the face, and during the reign of Edward VI vagrants refusing to work could be branded on the breast with the letter V. The branding of prostitutes' faces, rather than curtailing trade, advertised it and made entry into respectability impossible.

In 1623 the Branding Act was extended so that any woman convicted of taking goods valued at more than twelvepence would suffer in addition to a whipping or other punishment the branding of a T 'with a hot burning iron' on her left thumb, which two years later was the fate of Joan Price, a Turnmill Street whore. At Hastings in 1635 Anne Nicholas, Spinster, was burnt in the hand for 'pilfering and petty larceny'. Only gradually did it dawn on society than a branded person was unlikely to find honest employment and this coupled with bravado would ensure a criminal career.

Branding was usually inflicted in the court immediately after sentence had been passed so the magistrates could see 'the smoke from the offender's singed skin' to prevent a less than scalding hot iron from being used in return for a bribe. In 1706 at Taunton, the sheriffs were fined 40s 'for not causing two women to be well-burnt'. In the court at Nottingham burning in the hand was so common a punishment that an iron branding instrument was permanently fixed in front of the dock. At Nottingham assizes in February 1772 it cost five shillings to have Anne Taylor branded in the hand. She was then imprisoned where seven months later she gave birth; the total paid for the unhappy girl's medical attention was £3 9s.

Yet however humiliating or painful the punishments for sexual transgression they certainly did nothing to expel the old Adam and Eve from man or woman.

8 Imprisonment
The Stones of Law



'Debtors break out with Boyles, Carbuncles and Botches'. A woman is examined for venereal disease. Moses Pitt, 1689.

Prisons are built with stones of Law, brothels with bricks of religion.
William Blake, 'Proverbs of Hell'

The powerful have always been in a position where they could hold captive those they regarded as malefactor or foe. Imprisonment was usually an interim measure before final sentence was decided or some kind of ransom paid, or indeed where victims simply perished through privation. Old and New Testaments present a variety of images of imprisonment. Leviticus describes how during their wanderings the Israelites put aside a special place in their camp to keep 'in ward' transgressors of the law. We know something about ancient Egyptian gaol from the story of Joseph. Having been falsely accused of attempting to rape Potiphar's wife, he was put in prison 'where the king's prisoners were bound'. There he was kept 'in ward', in detention but not isolation. And the accounts in Acts of the detention of some of the disciples offer an accurate description of the conditions endured by those who had fallen foul of Rome.

The Christian approach to imprisonment is first noted by the Synod of Murbach in AD 816 when it was disclosed that bishops, priors and abbots had the right to have prisons – enclosures with walls strong enough to detain male and female offenders of religious orders. The principal correction was penance, with or without fasting for indeterminate but quite short periods, usually forty days on bread and water in a small cell. During the reign of Anglo Saxon King Edgar (959–75) the law stated that any priest, monk, deacon or layman committing fornication with a nun must fast for the period 'as is laid down for manslaughter', while the nun should fast for ten years, and repent for ever!

With the conquest of England by Duke William in 1066 those who opposed the power of the king and his vassals met with harsh punishment. Every castle raised to overawe the resentful population contained death-trap dungeons in or under the massive walls.

In 1076 William's Archbishop Lanfranc published his *Monastic Constitutions* which made provision for bishops' prisons, the grades of offences and their punishments. Scourging and penance to induce repentance was the first step, but should the offender remain obdurate the brethren and no doubt the sisters were enjoined 'to take and throw him (her) into prison'.

The first record of a prison in England is in 1103 erected in the high street of the City of Winchester. It was called The King's Balk House for Thieves. The word balk in Old English means a block or baulk. Some later prisons were known as blockhouses.

In Hull the Northern Blockhouse which held men and women was described early on as 'a moist low howse' because of its dank and dark situation and 'both male and female had no other help for the needs of nature but to carry it forth in basins to cast it in the river.' This must be the earliest reference to 'slopping out' still practised in some English prisons.

To this blockhouse was committed in 1579 Mrs Anne Lander after agents of a commission had been allowed to 'secretly and suddenly invade and enter howses suspected of Papistry . . . by virtue thereof . . . manie ladies were apprehended and committed to the prison'.

Her husband, John Lander, an attorney stood up to defend his wife, calling upon a barrister Master Babthorpe to plead on her behalf. This natural request was considered outrageous: 'The Lord President was so astonished at this conduct that he committed both of them to prison'.

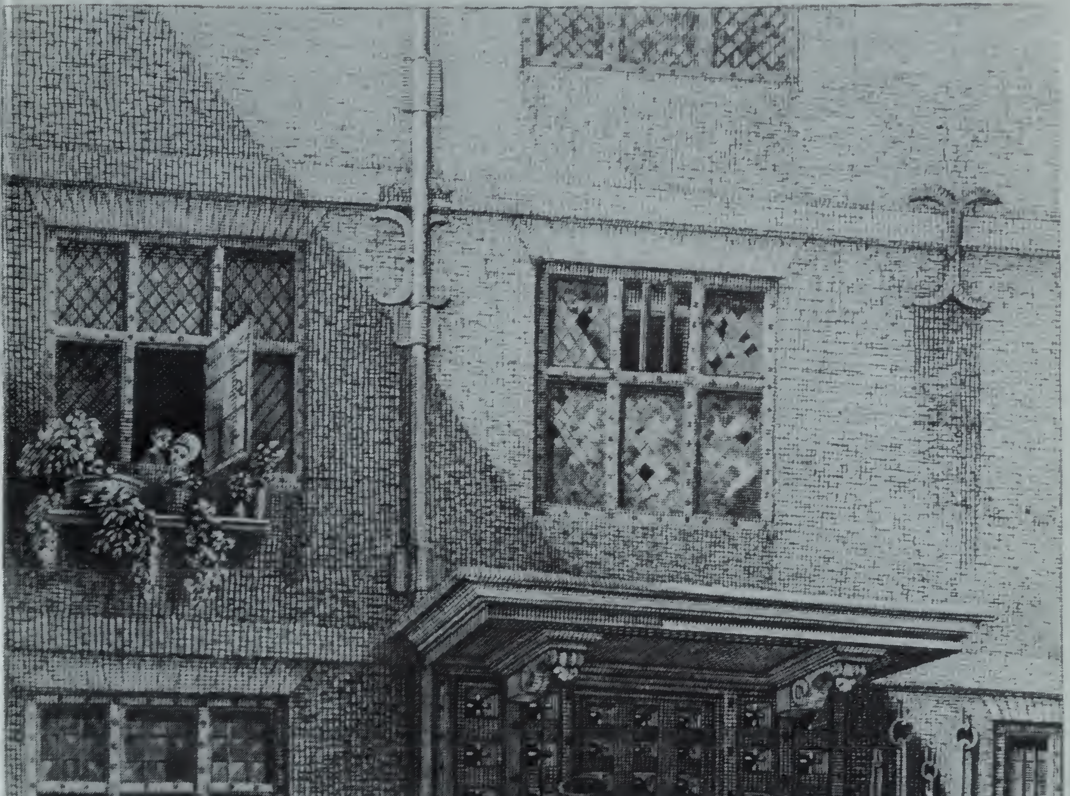
Anne Lander was kept in the blockhouse for six weeks, released but immediately rearrested and sent to equally vile York Castle, and thence to Hull Castle where she was 'called by a Warrant to be emprisoned in the Counter (*Compter*) in London' (the Wood Street Counter). Her husband had already been committed to the Tower of London, having been 'severely interrogated' by the infamous Star Chamber who 'rebuked him for daring to take action to defend his wife'. For this he was sent back to York in 1588 and put in the pillory as a recusant, then taken to London where he died in the Clink on 26 January 1591. His wife died in the Counter.

The Clink was the name of both the Bishop of Winchester's Liberty (the district subject to the Bishop's control) on the Bankside and its prison. This prison was mentioned in 1161 in the ordinance recognizing the eighteen local brothels. (A woman's prison may have been thereabouts in 1050 during Edward the Confessor's reign.) There are three specific references to 'the lord's prison in which errant whores', and occasionally errant customers – were to be confined for periods up to three weeks and in addition mulcted in heavy fines. Mention of a woman's prison within the bishop's palace exists from as early as 1247 when 3s 5d was expended 'for keeping and feeding a woman captive with bread for five weeks and four days'. In 1408 a women's prison existed in the Great Outer Courtyard 'next to the bishop's stables'; two years later a new wall and window were made for it.

London's first prison, known as the Gaol of London, stood adjacent to today's Ludgate Hill. Dating back to about 1130, it was built of stone, but already being repaired in 1155. The River Fleet gave it its name and fed its moat. As early as 1135 Henry I had sent loose women from the Bartholomew Fair to the nearby prison at Ludgate 'for three days'.

The next prison to be established was Newgate: in 1188 Henry II ordered a piece of land to be bought for a prison, at a cost of £3 6s 8d. Two carpenters and a blacksmith were employed to build it. From its inception Newgate was notorious for holding the worse criminal elements in the city, and the surrounding County of Middlesex over which the city had the shrievalty. Throughout its long existence Newgate was one of the lowest circles of hell for the female prisoners.

Within the city itself were the Sheriffs' compters or Counting Houses, originally places where fines and penalties had to be paid, but shortly afterwards used to confine such as could not pay until they did so. The first known was in Bread Street which was extended to accommodate these unfortunates, and later also to hold myslyvvers of all sorts including wayward women. About the same time the Compter in the



The sheriff's compter in the Poultry in the City of London. This and the compter in Bread Street existed from 'tyme oute of mynde' vide *Stow. About 1550 the Wood Street compter was built as a purposeful prison and thereafter the others fell into disuse. There was also a smaller prison in Giltspur Street near the Old Bailey.*

Poultry was built: it was then in the middle of a red-light district whose lively residents were soon to be lodged there before being expelled from the city, after being fined. By about 1250 both Compters were equivalent to prisons, offering accommodation, graded according to the status, wealth or influence of the prisoners, ranging from the comfortable, but expensive 'Knight's Side', through the adequate 'Masters Side' down to the hellish 'Hole' or 'Common Side' for penniless men and women. In about 1550 appeared the Wood Street Compter, twinned with the equally egregious Clink; prisoners being exchanged from one to the other, according to the caprice of the Bishop of Winchester or the reigning monarch or the oligarchs of the city of London.

In 1166 the Assize of Clarendon required the building of gaols in all counties. Presumably this was carried out although there is little evidence of their construction since so few early documents survive. Among the earliest mentioned is a borough prison in Beverley, in Yorkshire, in 1285.

The men and women confined in these gaols had no rights or remedies; the only law being the King's Law, itself based on old custom or royal whim. Since the king's surrogates interpreted the law often to their own satisfaction, such 'law' would become more elastic the further away the subject was from His Majesty. It is a stark fact that not until habeas corpus was promulgated in 1679 giving immunity from arbitrary arrest and unlawful captivity did the ordinary man and woman have any concept of personal liberty – and that was honoured more in the breach than the observance. Powerful independent barons, many having their own *court-leets*, Bailiffs, constables, priests and prisons, made existence unstable, unless there was a strong king.

Although there was some notional control of prisons by either royal or borough authorities, prisons were actually franchised, being leased to keepers who were responsible for their running. The franchising authorities set rules and regulations but since inspection was infrequent and cursory a keeper could get away with almost any abuse of power. Keepers recouped the franchise fee and their expenses by charging the prisoners for everything: lodgings, beds and bedding, the putting on and taking off of wrist and ankle irons, even to deciding whether they were to be 'heavy' or 'light' shackles. To maximize the profits, prison diet was meagre, of the cheapest quality and often putrid, but those with money could buy fresh provisions from the keeper. The poorest prisoners were left to starve or 'beg at the grate' for alms from charitable passers-by. An additional lucrative prequisite was the keeping of a liquor store at which prices were always excessive. Since keepers and turnkeys were drawn from the lowest rungs of humanity, they were merciless in their treatment of unfortunates when inflicting whippings or the then permitted tortures.

Although the city of London laid down strict and fair regulations, to be overseen by the sheriff and his officers, only occasionally was there a burst of civic morality which culminated in a keeper being disciplined or – but rarely – dismissed. At the Clink the bishop's bailiff was as corrupt as his minions.

In such circumstances women prisoners were always the most disadvantaged. They usually had little or no money, and since there was no segregation, rape and prostitution were commonplace.

The city was always anxious to eliminate sexual misconduct. In 1285 the philanthropic mayor, Henri de Walleis 'caused the Tun to be built on Cornhyll . . . to be a prison for nightewalkers and other persones spiritual and temporal suspected of evill doynge and incontinence . . .' It remained in use until 1401. It was built of stone and was so-called because it looked like an upended beer-barrel. It occupied the most central position in London, being at the point where the four principal highways met – where now stands the Lord Mayor's residence, the Mansion House – and where formerly stood the city stocks. The drunks, prostitutes, or their pimps and clients, local bakers and millers caught stealing flour, or priests found having sexual relations with women were usually held overnight and the following day. If whores they were 'whipt and carted and thrust oute of the citie'; if men they were fined and pilloried or sent to the main prison outside Ludgate.

The citizens were very jealous of their privileges: on 18 April 1298 'important Citizens' broke open the Tun and released 'certayne prysoners'. These included some women and probably some clerics. For this, citizens were 'sharply punnyshed by longe emprysonement' and fined 'more than thirty thousand marks . . . to purchase the Kynges favour and confirmation of their liberties . . .' The king had the previous year complained that 'some Citizens of London upon mere spite' used to break in to Clerks' Chambers and like felons carry them to the Tun'. Edward I was not to be trifled with even by the citizens of London.

In 1382 the law of London required that

> . . . such women as were taken in fornication or adultery be taken into the Tun and after bringing them forth to the sight of the world cause their heads to be shaven after the manner of Theeves . . . and led about the City . . . with Trumpettes and Pipes . . . that their Persons should be more largely known . . . to purge the City of such sin and filthiness . . .

certainly ensuring that private indiscretion became public property.

To give the city its due, it preferred to use its prisons for real criminals. The oldest rolls show that fines and light punishments were the norm for lesser crimes

1298 July 25 Christine de Gravesende . . . and other comon prostitutes . . . guilty of an attack on her paramour (*specialis*) fined forty pence by the jury

Dec 23 Roger le Rous of Algate . . . a great roisterer (*rigologium*) . . . and Peter Portehors . . . receivers by night of depraved men and prostitutes . . . (as well as) . . . Alice la Clerkess . . . harbouring loose women although warned by the Alderman (but) Alice did not appear and is to be attached . . .

1305 Aug 27 The Prior of Holy Trinity complains that prostitutes dwell

> in the howse of Richard atte Nax contrary to the Assize of Gregory de Rokesby . . . Judgement: that the doors are to be taken down and the prostitutes removed.

At that session Joan Pole was sent to Newgate because she had told two neighbours that 'the sayd Rose ought to be put on the Thew'. Since this particular type of pillory was reserved for prostitutes or minor female criminals Joan had seriously slandered Rose and earned herself a prison sentence.

'Scolding' was not treated as sternly as slander. On 27 December 1421 Margery of Colemanstrete '. . . who is a comon scolde by days and by nighte, who throwes oute of her howse stynkynge ordure to the grete nuisance to her neighbores' and Agnes Dogate 'who is a greate scolde' were warned, or fined, or thrust out of the city.

One of the last of these early rolls again demonstrates the city's horror of illicit sexual activity:

> Sep 1471 Simon Blower passynge thro' Candelwykestrete abowte eleven of the clokke afore mydnyghte founde a woman yn the chambre of Alexander . . . syttynge by hys beddesyde wyth noo other person beynge wyth theym . . . Hee has brought them to the Countre [The Compter] of the pultre [The Poultry] of London.

Evil to him who evil thinks was apparently Simon Blower's motto; we can only hope the offenders at least had some pleasure of their ostensibly simple dalliance.

Appalling prison conditions fermented riots. In 1325 the prisoners, encouraged by a woman, killed the turnkey of Newgate. She was hanged. Occasionally city dignitaries would show a little interest in their prisons; in 1404 both sheriffs actually inspected Newgate and complained that '. . . the women are cramped in a small unhealthy room and to reach the privy had to walk through the male prisoners' section . . . the lower dungeons have stocks and fetters . . .' Such insanitary conditions spelled disease. In 1419 'gaol fever' – a form of typhus – killed not only the keeper but also sixty-four prisoners including several women.

A century earlier, across the river, the women's section of the Clink prison was garnished with a *theu* and a *kokkesstol,* plus a *furca et fossa* (gallows and ditch). In 1108 the *Fossa* was first heard of in France, as a jug-shaped chamber hewn out of the rock on which a castle had been built. Prisoners were lowered into it and often left to starve to death in cold and damp. By 1187 the fossa was linked with the furca, and in the *Chronicle* of Hector Boethius is mentioned as 'for convicted female thieves' in Scotland. Du Cange's *Glossarium* confirms it as 'a cavern hewed out of the earth, filled with water, in which female thieves were immersed until dawn'. However, the Clink's fossa, well-supplied with water from the Thames, was used as a pit for ducking rather than drowning women.

About 1280 Edward I introduced harsh measures to ensure his rule was not challenged. One of them dealt with those who sought to save themselves from judgement by keeping silent or refusing to plead. Anyone remaining mute was held in 'prison forte et dure' – a strong and hard prison – which meant confinement in a dark damp narrow cell, with sparse bread and little water, assuring eventual death by slow starvation. However, in those troubled times, warders and bailiffs could be bribed and the court's will thwarted.

A pardon granted around 1390 by Edward III to Cecilia, wife of John Rydgeway of Nottingham, demonstrates the intention of the law with respect to those who would not plead, and how it was sometimes circumvented:

> The King to all his bailiffs and faithful men to whom these presents shall come, Greeting. Whereas Cecilia, widow of John Rygeway, lately indicted concerning the death of her husband, was adjuged to her penance because she held herself mute before our Justices of Gaol delivery at Nottingham; and whereas she afterwards sustained life without food or drink, in close prison, during forty days, after the manner of a miracle, and contrary to human nature, as we have been informed on trustworthy testimony; We, moved by piety, to the praise of God, and of the glorious Virgin his mother, from whom, as is believed, this miracle has proceeded, have of our special grace pardoned unto the same Cecilia the execution of the judgement aforesaid, and to desire that she be delivered from prison and be no further impeached of her body.

Mistress Rydgeway was lucky, aided by the credulity of the age as well as – more likely – an obliging gaoler. Possibly a belief in gaolers' venality may have suggested an even more hideous method to draw speech from the silent.

In 1404 prison forte et dure was transformed into 'peine forte et dure' – strong and long pain. This torture of the press was created to force the victim to plead guilty or not guilty. A refusal to plead was adjudged 'mute of malice' and an attempt to defraud the monarch; silence safeguarded property, which, in the event of the accused being found guilty would otherwise have been forfeit. The likelihood of a not guilty verdict being returned was remote! Confronted by the contumacious the judges ordered that the marshal:

> put them in low and dark chambers naked except about the waist . . . and place upon them as much weight of iron that they should be unable to rise and have no thing to eat but the worst bread and water taken from the nearest place but not running water . . . on the day they had bread they should get no water and *a contra*; they should lie there till they be dead . . .

In fact the weights were daily increased so that the victim was pressed to death, during which time the quantities of bread and foul water were decreased.

Some prisons housed special chambers with instruments of cruellest ingenuity to punish, extract confessions and quench life. In 1534 Sir Leonard Skeffington was appointed lieutenant of the Tower of London and he decided that the Duke of Exeter's Daughter, as the rack was popularly known, was insufficiently effective since on occasions a victim remained unco-operative despite agonizingly stretched limbs. After careful study the Lieutenant devised Skeffington's Daughter, later known as Skeffington's Gyves or the Scavenger's Daughter. The Jesuit historian Mathew Tanner described how this diabolical invention constricted

> . . . and binds as in a ball, holding the body in a threefold manner, the lower legs being pressed to the thighs, the thighs into the belly and both are locked with two iron clamps . . . pressed against each other and the body of the victim is almost broken by this compression . . . more cruel than the rack . . . the whole body is so bent that blood exudes from the tips of the hands and feet . . . the box of the chest being burst and quantity of blood is expelled from the mouth and nostrils . . .

Skeffington's Daughter was popular with torturers: less bulky than the rack it could be carried by one man from room to room, and installed in other castle prisons, such as Lancaster. Skeffington's Daughter had the additional advantage that women could be squashed in it without violating their modesty since there was no need to strip them of their shifts.

It is hard to imagine death by pressing could be made more barbaric, but this was so in the Elizabethan age when a victim might be stretched on the rack while increasing weights would be placed on the chest and sometimes a sharp stone beneath the back broke the prisoner's spine. In March 1586 at York Margaret Clithero, accused of sheltering a Roman Catholic priest, refused to plead, and received no mercy.

> After shee had prayed a sheriff commanded them to put off her apparel; shee and four women requested him on their knees that for the honour of womanhood this might be dispensed with but they would not grant it. She then requested that the women might unapparel her and they would turn their faces from her . . . the women took off her clothes and put her on a long linen habit. Then verie quietlie she laied her on the grounde her face covered with a kerchief . . . two sergeants parted her hands and bounde them to two posts in the same maner as her feet had been previouslie fixed and they laied weights uppon her, when she said 'Jesu, Jesu, Jesu, have mercie uppon mee', which were the last words shee was heard to speake . . . she was in dying abowte one quarter of an howre: a sharp stone as big as a man's fist had been put under her backe; uppon her was laied 800 to 900 lbs which breaking her ribbs caused them to burst forth of the skinne.

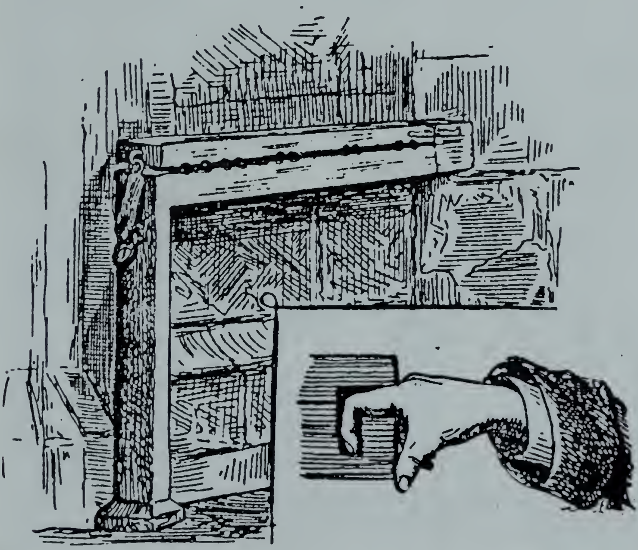
Several hundred years elapsed before pressing ceased to be regarded as a useful adjunct to the law. During the reign of James I, between 1603 and 1625, forty-four people were pressed to death in the county of Middlesex alone; at least three of them were women.

A case reported extensively in 1625 was of Katherine Peters of Cranford in Middlesex, tried in the Wiltshire quarter-sessions and claimed there as 'the only case ever recorded'. Mrs Peters, a widow with a small child, was on her way from Hounslow in Middlesex when she and Alice King stopped by a hedge, and were later charged with stealing 'a diap cloth and a lockeram sheet off the hedge'.

Examined by a local magistrate, both strenuously denied the theft. In evidence Katherine stated she was going to place her child, 'a suckelinge', with one of her uncles who lived near Salisbury. Both women were then sent to the sessions at Marlborough, but Katherine still denied the theft:

> . . . and refusing to plead to the indictment was adjudged to be committed . . . brought to a close room there to be layde upon her back naked from the middle upwards her legges and armes stretched and fastened to the fowre corners . . . and uppon her bodie to have soo muche weight and somewhat over than she is able to beare the first day to have three morsels of coarse bred and noe drinke the second day drincke of the next puddle of water not runninge . . . soe every daye in like maner til she be dead . . .

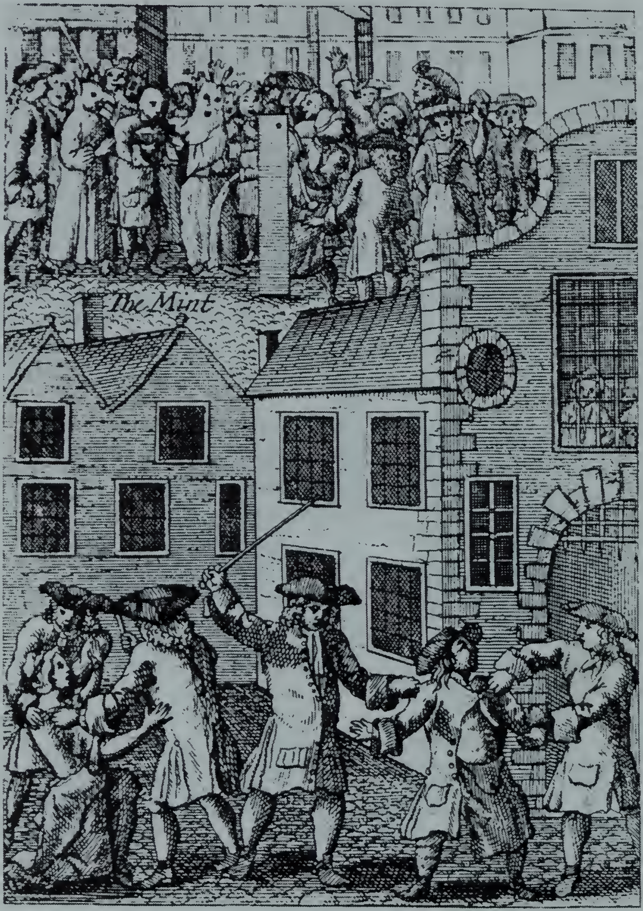
Alice King, being indicted 'for petty larcey', was released 'after paying her fees'.



The finger pillory in the church at Ashby-de-la-Zouche in Leicestershire. Such instruments were inserted in great manor-houses everywhere, probably as a punishment for thieving servants. They were usually made of oak. Those in churches were used by penitents put to public shame before the congregants.

After Mrs Peters 'had been duly executed' the justices ordered 'the childe to be kept and mayntayned by the inhabitants of Standen Hussey [Berkshire]' where he was apparently kept until 1641 when the quarter-sessions at Devizes averred 'he was nowe able to worke' and he was sent to be apprenticed.

By about 1720 women were no longer being put to this barbarous torture. But a lesser one – that of suspending the prisoner by whipcord tightly tied around their thumbs – was still employed in Newgate to induce the recalcitrant – especially women whose silence was seen as sheer perversity – to plead to an indictment. All prisoners who had refused to plead at the Sessions House were taken to a special press room within Newgate for the infliction of 'peine forte et dure'. Here in 1721 was brought young Mary Andrews who resisted until her thumbs had snapped under the pressure of three successive cords. Such punishment was last used in 1726 although it was still on the statute book in 1789.



A scene at the Mint prison in Southwark, about 1750. Prisoners are being assaulted by warders while their friends and relations gather outside.

Another means of extracting confession were the pilliwinks, penniwinks, pinniwinks, pyrowinks, lilnewinks. What may sound like nursery toys are alternative names for thumbscrews. Less painful and crippling was the finger pillory, found in some churches where it was used to punish parishioners who absented themselves from Mass more than once in a given period.

The concept of imprisonment to reform wayward female behaviour arose with the establishment of the house of correction. Its origins are in the honouring of a visit paid around 1520 by Charles V, Emperor of the Holy Roman Empire. Specially to receive him Henry VIII built a palace on Bride's Well, just outside Ludgate, and on the Emperor's arrival he asked that 'all prisoners in the Marshalsey and King's Bench should be released'. About the same time Henry ordered the closure of all the Bankside brothels. Symon Fysshe in his *Supplycacion for the Beggars* had supplied the king with the reasons why so many women turned to prostitution:

> Who is shee that wil sett her Handes to worke for to get three pence a-daye but may have at the leaste Twenty Pence a daye to sleep an houre with a Friar or a Monke or a Preeste . . .

This palace at Bridewell subsequently being unused, Henry's son, the young and decent Edward VI donated it to the City of London in 1552 as a Bridewell or house of correccion basically for vagrant women and girls. The aim of replacing brothels with bridewells is contained in the preamble to Edward's gift stated '. . . all females of lewde and evill lyffes should be able to save their souls and return them to normal god-fearing activities . . .'

Sound politics too: the unsettled political situation had increased unemployment and prostitution, with the danger of unrest and insurrection.

This was the model for future bridewells. As the aim was to 'correct' rather than punish there were some pretensions to rehabilitate the women and girls for a more wholesome life on release. In practice, they were trained for domestic service in the rising merchant-class homes, or as apprentices in crafts such as millinery and clothing manufacture with beggarly wages and staggeringly inhuman conditions. Small wonder a great many returned to prostitution.

By the reign of Elizabeth, bridewells were more used to punish immorality. In his *Diary* for 5 January 1559 Henry Machin recorded that 'four women were carted abowte London for bawdry' and sent to Bridewell. In December 'Dyd a woman ryd apone horseback with a paper on her hedde for bawderie' accompanied by rough minstrelsy, before being returned to prison. The 22nd of that month saw an exciting scandal when 'did ryd a carte a-bowte Lundun the wyff of Hare [Harry] Glyn a golde-smyth for beynge bawde to her owne dowghter'.

The measure of the city's desperation is indicated in the minutes of the Common Council for 17 July 1565 under the heading:

> SHAVING THE HEADS OF HARLOTS
> Ordered . . . cutting the hair off heads of harlots as have been sent to Bridewell who will not be content to amende themselves to be whipped and other punishments . . . and confined . . .

'Confinement' in this context meant putting into a cell or small room for a period mandated by the magistrate. But it proved no deterrent to Susan Newland of Nortonfollgate nexte Bishops Gate who on 1 April 1601 for 'infernally and diabolically' keeping a brothel was sent to Bridewell 'for her lewde and evill lieffes . . .'

In 1576 Queen Elizabeth ordered the justices in every county 'to set up Houses of Correccion . . . to instil a desire for hard honest toil'. These were to be controlled by justices of the peace and not as hitherto, the sheriffs. Prostitutes and bawds would have their hair shaved off, their ears clipped and if required the face branded or the nose slit. All this did not abolish 'the oldest profession' nor did 'correccion' transform its practitioners, confirmed by the Jacobean ballad *The BrideWell Whores' Resolution* with its striking sub-title:

> Jenny and Betty do the Lash defie
> And swear they'l use the Trade until they die;
> Bridewell afflicts their backs, but let me tell ye
> They are not tormented below their belly!

As the years passed 'Correccion' in bridewells grew harsher, approximating ordinary prison conditions with the attendant accessories of fetters, gyves, the rack, and the branks. Gaolers were described as 'a merciless Race of Men steeled against any tender sensation'.

As with all prisons, houses of correction were filthy and stinking, with the ever-present risk of gaol fever which killed inmates and keepers, and even, on occasion, a bench of justices. As sexual segregation lapsed so promiscuity prevailed, and the original reforming purposes were forgotten.

Ned Ward wrote that Bridewell:

> . . . was a shameful Nest of Vagabonds and Strumpettes [with] repeated whippings, beatings, rapings, lockings in cells, starv'd , ill-treated . . . the threat of the Bridewell made every harlot shiver . . .

Nor was its purpose and reputation unknown to those who lived far from the metropolis. In 1712 much gossip circulated around the local smithy in the village of Whitegate in Cheshire concerning Sydney Lee's wife. Alice Jellicoe was reported to have said of her, 'she wants a pinkle and a pinkle she must have so she went a whoring in London and was arrested by the watch and put in Bridewell'.

Of those most unjustly committed to the horrors of prison were pious women whose religious convictions conflicted with contemporary laws. From the time of Mary Tudor to the close of the reign of James I dissenters or 'hereticks' were subjected to the vilest treatment. Under

Elizabeth the Clink became much used for the imprisonment and punishment of recusants who had refused to give up their Catholic beliefs. Once detained they found it hard to regain their liberty. In 1580 Jane Gouldwar petitioned the Queen's wily treasurer Sir Francis Walsingham that:

> . . . she's a pore afflycted creator [*sic*] . . . kept in the Clinke a prisoner for twelve years for conscience sake . . . [she has] . . . five small children destitute and wandering abowte . . . shee pleads release . . .

Exceptionally, her plea was granted: one wonders how such an 'afflycted' creature had acquired so many children since 1568. Jane's sister-companions were not necessarily all religious detainees for another report of 1580 states 'the wief of one Kendall, a taylloure . . . being apeacht for conjuration [conspiracy] . . . is sent to the Clinke'.

The Protestant Queen had no love either for Puritan dissenters who, by wanting a better world in the present rather than being promised it in the hereafter, might constitute a threat to her realm by protesting against the Establishment.

While the wives of recusants were recognized as a serious refractory problem, the wives of dissenters were showing themselves equally troublesome: in 1580 the Bishop of Winchester complained that although many proselytes now came to church: 'theyre wives do nott onlye contynue obstinate refusynge to come to churche . . . but make verie unreverende speaches abowte the Rellygyon nowe established . . .'

Indeed in 1581 John Goldsmith of Exton, Gent., 'was released from gaol . . . as hee is nott able to over-rule hys wiefes peevishe disposicion . . .' and the Privy Council ordered that '. . . the correccion of her obstynacie bee layde upon her own carcass . . .' by her husband! In 1584 the bishop was protesting against the release of a Mrs Pitt of Alston 'a verie obstynate person . . . whose release woulde doe more harme thanne ten Sermons would doe goode'.

In 1581 the twelvepence fine of the 1580 statute, requiring everyone to attend their parish church each Sunday, was increased to a colossal £20 a month. Since not even this compelled everyone's obedience the penalty was increased in 1586 to include the confiscation of two-thirds of an offender's property. It was at this point an outspoken Catholic woman, Kathleen Gowen, was taken to court for publicly uttering, 'We had a Queen! a bloodie Queen!'

In March 1592 a large group of Barrowists – followers of the staunch 'Brownist' Puritan, Henry Barrow – were rounded up:

> . . . abowte threescore and twelve, Men and Women, Younge and Olde, lyinge in cold and hunger in dungeons and Yrons . . . for those bloodie Men (the jailers) will allowe theym neither meate drynke nor fyre . . . purposing to empryson theym unto death as they have done to seventeen or eighteene others . . . lyke as in Quene Marys tyme . . .'

In the midst of misery and cruelty true love could blossom. In the Clink, Francis Johnson, one of the dissenter leaders, fell in love with a visitor, Thomasina Boyes, the widow of a haberdasher Edward Boyes at whose house in Fleet Street, Johnson had been arrested in 1592. They married in 1594 although not without some disapproval from the most puritanical including Francis's brother, George, who opined that:

> . . . shee is nott consider'd a fitt match . . . because shee weares a long buske after the manner of the worlde: a longe white breste . . . after the fashyon of yong Dames and so low she wore itt as the worlde calls theym Kodpiece Brestes . . .'

Moreover, it was quite dreadful 'shee had been seene to quaffe white wine in the companye of Catholick ladies'. Worst of all 'shee layde in Bedd on the Lordes Days'.

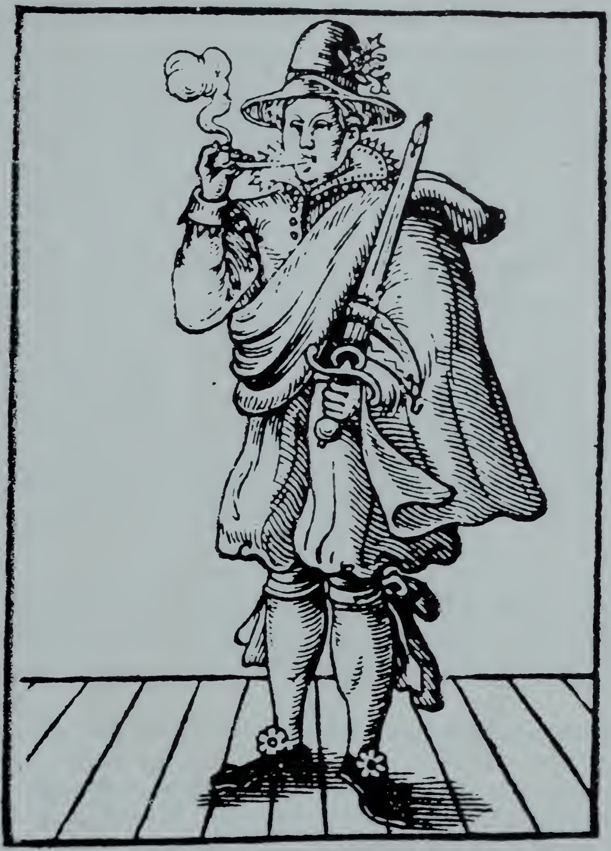
'The moste notorious recusent wife of the county of Essex' was Jane 'olde Widowe Wiseman' of Wimbish whose husband, Thomas, had died in 1585, leaving her with eight children. At her house in Bullocks she maintained a Mass-centre for Catholics thereabouts. She refused to attend the parish church and was often presented at the sessions. Then on 2 January 1594 two officials went to her house, and eventually discovered 'Brewster, a preeste, hid up a chimney'.

'For obstinate recusancy' Widow Wiseman was imprisoned in the Westminster gatehouse in 1596. There she 'comforted, helped and maintained' Father Jones – a capital offence in itself – but 'on account of her Rank and the good name which she hadde' was instead threatened with peine forte et dure. She was transferred 'to a more loathsome prison, the Clink . . . reft of her goods but nott of her lyfe' and pined in a filthy narrow cell until the accession of James I in 1603 when she was pardoned and sent home.

Somewhat briefer and less disagreeable was the sojourn in the Clink of the well-known actress-cum-whoremistress, Joan Woodward, who was the wife of the wealthy and celebrated actor-manager and theatre-owner – and brothelmaster and churchwarden – Edward Alleyn. In April 1593 while looking after her stepfather's Bankside brothels she was '. . . rounded up by my lord maiores officers and mad to ryd in a carte . . . [and] taken into ye Clincke . . . with several companions'. Joan had inherited five luxurious brothels from Philip Henslowe, property speculator, theatre-owner and usurer, and could easily afford to purchase all necessary prison comforts. Apparently this drama neither unduly worried nor angered her husband.

Mixed in with wayward actresses, whores, debtors, the feeble-minded, thieves, murderers and adulterers as well as dissenters and heretics, were the swarms of vagrant and orphan offspring of imprisoned women. In those centuries children were treated as 'miniature adults'. Such youngsters known as 'wilde dells' (archaic slang for a young trull), and including babes-in-arms, were hired out for

Mary Frith alias Moll Cutpurse. 'A notorious Baggage that used to go in man's apparel & challenged the field of diverse gallants'. Frequently imprisoned for wearing men's clothing, Moll was greatly loved for her constant visits to help women in jail.



begging. However little they earned it counted for something essential against the rigours of prison.

As late as 1630 there was no segregation of the sexes in the Clink. If a woman could earn a few coins to buy food and drink, then selling her body was preferable to starvation. All concepts of modesty belonged to another world: many women were half-naked because their clothes had worn out. To ease the tedium they drank or gambled, often stripping newcomers 'to the buff' and selling the garments for liquor. There was no place to wash, no sanitary conveniences or means of washing the cloths used for 'monthly flowers'.

In 1625 an outbreak of plague occurred and continued sporadically until 1630 when the activities in the Clink Liberty were curbed. The theatres were closed, the players dispersed never to return, and for a while the numbers of those imprisoned shrank almost to nothing. Thereafter most women offenders were sent either to one of the bridewells or to the city compters. In these too, conditions were appalling, although by 1670 there was an occasional visit from a physician, one of whose prescriptions included several orders for fumigants against the stench.

An extraordinary woman who knew the reality of several stretches in Newgate brought comfort of a sort to her sisters in captivity: this was Moll Cutpurse, whose real name was Mary Frith, who would visit the prisons on Sundays and feed the prisoners out of her booty. Mary Frith who 'could not endure the sedentary life of sewing or stitching; a sampler was as grievous to her as a winding-sheet' was the subject of *The Roaring Girl*, an early seventeenth-century comedy by Middleton and Decker. She dressed as a man and began her chequered career as a 'bully, pickpurse, fortune teller, receiver and forger', progressing to successful highwaywoman, and using her Fleet Street house as headquarters for her gang of thieves. She died in 1659 aged seventy-five, and was buried following an Anglican service at St Bride's.

Even women of exalted, if unofficial, rank could end up in gaol. In 1692 'Madam' Mary Butler, born Strickland, and mistress to George Villiers, Duke of Buckingham, was charged with forging a bill in the name of Alderman Robert Clayton for £40,000. She was unable to pay the fine of £500, the Duke having inconveniently died. Repayment was set at £1,200 a year, but the high estate of the parties ensured protracted argument rather than settlement. Eventually, 'Madam' was conveyed to Newgate, dying there four years later 'the bond being still unpaid'.

In 1695 Derby's prison in Walkers Lane had the distinction of a female keeper. Usually gaol staffs were male which encouraged wholesale depravity. Of the Clerkenwell bridewell a contemporary wrote:

> the gatekeepers and other petty officers of the prison consider all the women prisoners as their *seraglio*, and indulge themselves in the promiscuous use of as many of them as they please. There are two wards, called the 'bawdy houses', in which the *locker*, for a shilling, will at any time lock up a man and woman together for the night

Houses of correction were crowded with:

> vagrants and disorderly women of the lowest and most wretched class . . . almost naked, with only a few filthy rags almost alive and in motion with vermin, their bodies rotting with bad distemper, covered with itch, and with scorbutic and venereal ulcers.

Those in charge could mete out as much correction as they chose. Derby's Michaelmas sessions of 1719 records:

> Grace Rowe, for stealing a gowne [to be put] to hard labour . . . in such a manner and as often as the Master shall think fit . . .

The segregation of prisoners by gender was not a guiding principle. In 1757 the *Gentleman's Magazine* described 'normal' conditions:

> The men and women prisoners are all put together till they are locked up at night, and have perpetual opportunities of retiring to the dark cells as much as they please; the women, indeed, are generally such as do not need much solicitations to this commerce . . . as many of them are totally destitute of both money and friends they would have no alternative but to become prostitutes or perish with hunger . . .

In 1779 a young girl was locked up every day in a room in St. Albans prison with two soldiers. In that year in Swansea two men and two women shared the same cell for nearly a week. Since there was nothing about gaol to engender or enshrine the delicacy and sensitivity attributed to the female, small wonder that in general women prisoners were considered worse than the men 'not only in respect to nastiness and indecency of living, but more especially as in their conversation, which . . . is as profane and wicked as hell itself can be.'

In Newgate there was a special female condemned hold: a small dark dungeon. That section of the prison in which women were housed was nicknamed the Hell above Ground. Female felons either went to the Waterman's Hall on the second floor, or the Women's Second Ward on the third floor. There were no beds, but wooden floors with raised portions around the walls where the prisoners could lie down on their blankets. Most of those in the Second Ward, awaiting transportation and:

> knowing their time to be short here, rather than bestow one minute towards cleaning the same, they suffer themselves to live rather worse than swine, for they are poisoned by their own filth, and their conversation is nothing but one continued course of swearing, cursing and debauchery
>
> The History of the Press Yard 1717

Sometimes women escaped these overcrowded conditions, but only for something worse: in Nottingham in 1795 a woman was condemned to solitary confinement in the gaol for three months for keeping a disorderly house.

When in 1774 John Howard, the reformer, made a survey of Britain's gaols he reported to Parliament that he had found the same appalling conditions everywhere. Buildings were dark, filthy, overcrowded and unventilated. Half-naked, half-starved inmates slept on stinking straw, and wore heavy irons before and after trial. Most gaolers were sadistic and grasping, stripping prisoners of all they possessed in gaol fees and feeding costs. Discipline was cruel and peremptory, with whippings frequent and severe; other excesses consisted of torture and confinement in dread dungeons.

Much of the unwelcome publicizing of the terrible conditions endured by female prisoners came from Quakers, cast into prisons all over the land for 'peaceful' breaches of the King's Peace by the public profession of their faith. Undoubtedly, it was this valiant band's first-hand experience of such ordeals which led to their descendants' commitment to prison reform. In the mid-seventeenth century the Mayor of Derby received a sharp reminder of the unhappy lot of his prisoners compared with his own comfortable and honourable life in a letter from Elizabeth Hooton. In 1648 she had left husband and family to become a Quaker preacher which led to her being detained in a series of penal institutions.

Mistress Hooton's first committal to prison was in the fen country. Next she was confined in York prison with other Quakers. From there she was sent to Beckenham prison for five months for 'exhorting the people to repentance'. Eventually held in Lincoln Castle 'entirely among felons', she encountered an additional peril in the person of a 'malignant' gaoleress.

Since the other wretched prisoners were at the mercy of this vicious female she had no difficulty in inciting them against Elizabeth. Apart from being 'different' Mistress Hooton's greatest offence was to petition 'to him in Authority to reform the Abuses of the Gaol' and give details about the 'fees' extorted by the gaoler, and the hellish conditions. She described the 'drinking and profaneness and wantonness, men and women together many times part of the night'. Perhaps the real reason for the gaoleress's enmity sprang from Elizabeth asking that strong drink be banned in gaols. In all contemporary prisons the tap, selling beer, brandy, and even fine wines, was a principal source of gaolers' income.

Where prisons were housed in the local castle conditions were if possible even worse. Carlisle's loathesome Rose Castle is referred to in a report of 1655 *On the Sufferings of People call'd Quakers*. Here for nineteen terrible weeks, Katherine Fell, was incarcerated, her baby still at her breast. Her offence: 'asking a Prieste whether he could Witness what he spoke to the people . . .'

In 1660 while going about their lawful occasions, Elizabeth Heath, Anne Bewley, Elizabeth Jackson, Elizabeth Hazard, Anne Oglethorpe and Elizabeth Watson, all Quakers, were arrested in Carlisle Market for refusing to take the Oath of Allegiance. The mayor imprisoned these indomitable women for twenty-two weeks.

Not all female prisoners were possessed of such docile dispositions, but demonstrated considerable vigour and ingenuity. In March 1813 three women under sentence of transportation to Botany Bay loosened a large slab in the castle's outer wall using a knife and a small iron band, and fixing a heavy chain so they could pull out the stone. They had fashioned a rope from blankets to slide down to the street. Unfortunately, the turnkey spotted this and reported that 'an hour longer's undisturbed operation' would have let them succeed.

If there were many female lawbreakers, the extent of the damage they caused was far outweighed by the cost of punishing them. Their crimes were usually petty, the products of harsh laws and indequacy rather than real dangers to the social fabric. In 1800 in Hastings Anne Adams was found not guilty of stealing a pair of 'Men's Half-boots', but on leaving the court she exclaimed that 'shee would have had that Rascal's Ears cut off' and was rearrested, insisting that John Adams had perjured himself. She was then committed to prison.

In 1822 in Salisbury, judges were exasperated at the time and cost of proceedings against 'little offenders'. Prosecuting a woman for theft of goods worth three farthings amounted to £35. While the value of items stolen in the whole sessions was less than forty shillings the legal costs to the City were £275.

In the early nineteenth century conditions within prisons or houses of correction were scarcely conducive to reforming their inmates. Anyone who went in bad came out worse. In 1813 Newgate, which could conveniently hold 427 prisoners, had 822 crammed within its walls.

On her first visit to Newgate, the Quaker Elizabeth Fry observed nearly three hundred woman and girls, some convicted and some untried – the healthy and the sick – confined with their many children, in two wards and two cells. They were insufficiently clothed, slept in rags and dirt on the floor of the room where they lived, cooked and ate. This accommodation and the women's yard were open to the gaze of male prisoners.

The women spent their time drinking spirits, swearing, fighting, gaming, singing, dancing, begging and dressing up in men's clothes. These scenes and the filth and stench were so appalling that everyone including the governor was unwilling to go among these prisoners.

Despite the misgivings of prison officials, Mrs Fry's idea of setting up a school in a separate cell for the children and young criminals proved an instant success. In April 1817, with twelve other like-minded ladies, Mrs Fry formed the Association for the Improvement of Female Prisoners in Newgate to ensure that during their sentences women should receive proper clothing, useful employment and adequate religious instruction. It also campaigned for the segregation of the sexes in all prisons and that women prisoners would be completely supervised by female janitors.

Prisoners were to be paid for their work with part of these earnings given them on their release, or on the day they began their transportation journey to New South Wales.

Within a year the Association's efforts had effected noticeable improvement among the Newgate women of whom Mrs Fry wrote

> They knit about 60 to 100 pairs of stockings and socks every month. They spin a little. The earnings of their work, we think, average about 18 pence per week for each person. Another very important point is the excellent effect we have found to result from religious education; our habit is constantly to read the Scriptures to them twice a day; it has an astonishing effect.

Elizabeth Hooton's wish, expressed some two hundred years previously, was fulfilled when the committee instituted strict regulations to end the supply of alcohol reaching the women's section of the prison. The committee also opened a small shop within Newgate where women could buy tea, sugar and minor articles of clothing.

In February 1818 Mrs Fry was granted singular recognition of her absolute conviction that treating women prisoners as human beings would improve their behaviour in prison and on release when she was invited to give evidence before a House of Commons committee on prisons. She explained the changes her own committee had made at Newgate and proposed that in future there should be separate prisons for women, as well as a method of separating the hardened criminal from the first offender.

By 1845 during the last two years of her life these improvements reached beyond Newgate. According to her two daughters:

> she had the happiness of knowing that Newgate, Bridewell, the Millbank Prison, the Giltspur Street Compter, White Cross Street Prison, Tothill Fields Prison and Cold Bath Fields Prison were all in a state of comparative order; some exceedingly well arranged, and female convicts in all more less visited and cared for by ladies . . . The prisons generally throughout England much improved, and in the greater number, ladies encouraged to visit female convicts.

Many female convicts were probably unaware their lot was being improved. At Lancaster Castle the female section contained four 'crank mills' or treadmills for grinding flour. Women sentenced to hard labour took longer turns than those not so sentenced. They knitted, washed and mended the male prisoners' clothing, and also worked for outside manufacturers, weaving calico, the material being supplied by the employer, as well as producing light clothing for the West Indian markets.

In the year ending 10 October 1836 women prisoners received from a penny to sixpence for sewing items of clothing, hammocks, pillowcases and towels. Making mops earned a shilling a week. Cleaning the prison earned a shilling a day. While various repairing tasks earned fourpence a day, whitewashing was worth as much as two shillings a day. The women were paid 'their proportion' upon discharge. Sections of society were apprehensive that the work of prisoners could undermine the manufacturing trades. But Mrs Fry contended:

> The benefit which society derives from the employment of criminals greatly outweighs the inconvenience which can possibly arise to the mass of our labouring population from the small proportion of work done in our prisons.

That women were put to work in prison did not always prevent misbehaviour. For fighting, quarrelling and 'jumping off the wheel' prisoners were confined in cells. Whipping was regarded as a punishment of 'no severity' even though the scourge had a whalebone handle with nine lashes each with seven knots; two dozen strokes was the normal given to adults, with forty or fifty strokes being the maximum.

At Liverpool's house of correction, the Matron, Mrs James Widdows was praised for keeping the gaol very clean. She was paid £65 per annum, but the cleaning and other tasks were performed by unpaid inmates. That they toiled unremittingly was ensured by the existence of seven dungeons, ten steps below, and 'filthy in the extreme'.

In the mid-nineteenth century typical prison amenities for women consisted of a plank bed by night, a pint of oatmeal gruel for breakfast and supper, and 1 lb of dry bread for dinner and an abundance of hard work. The treadmill was the customary instrument of hard labour. At the county gaol in Bodmin, Cornwall, in 1869, women worked eight hours on the treadmill with two hours for meals and two further for school if so disposed. Their labour ground sufficient flour for the inhabitants of the goal and for the 450 inhabitants of the lunatic asylum, while the bran was sold to the public.

The fingers of women and boys were also employed to pick oakum from old naval ropes cut in two-foot lengths which was then sold back to shipyards.

Prisoners not on the treadmill, and those held awaiting trial were allowed to take walking exercise at specified intervals in the yard under the eye of a warder. But even here freedom was strictly limited; women were compelled to wear large sunbonnets to prevent them seeing or speaking to each other, unless they turned around completely, which led to detection and punishment.

The punishment of solitary confinement in darkness was dreaded. Such a prisoner was not allowed to attend school or chapel, and deprived of books and exercise. These measures were considered 'very efficacious in reducing the number of re-commitments'.

This harsh treatment was not confined to adults, as shown by an entry in James Wellard's *Diary* (the keeper of Hastings Gaol 1842–54):

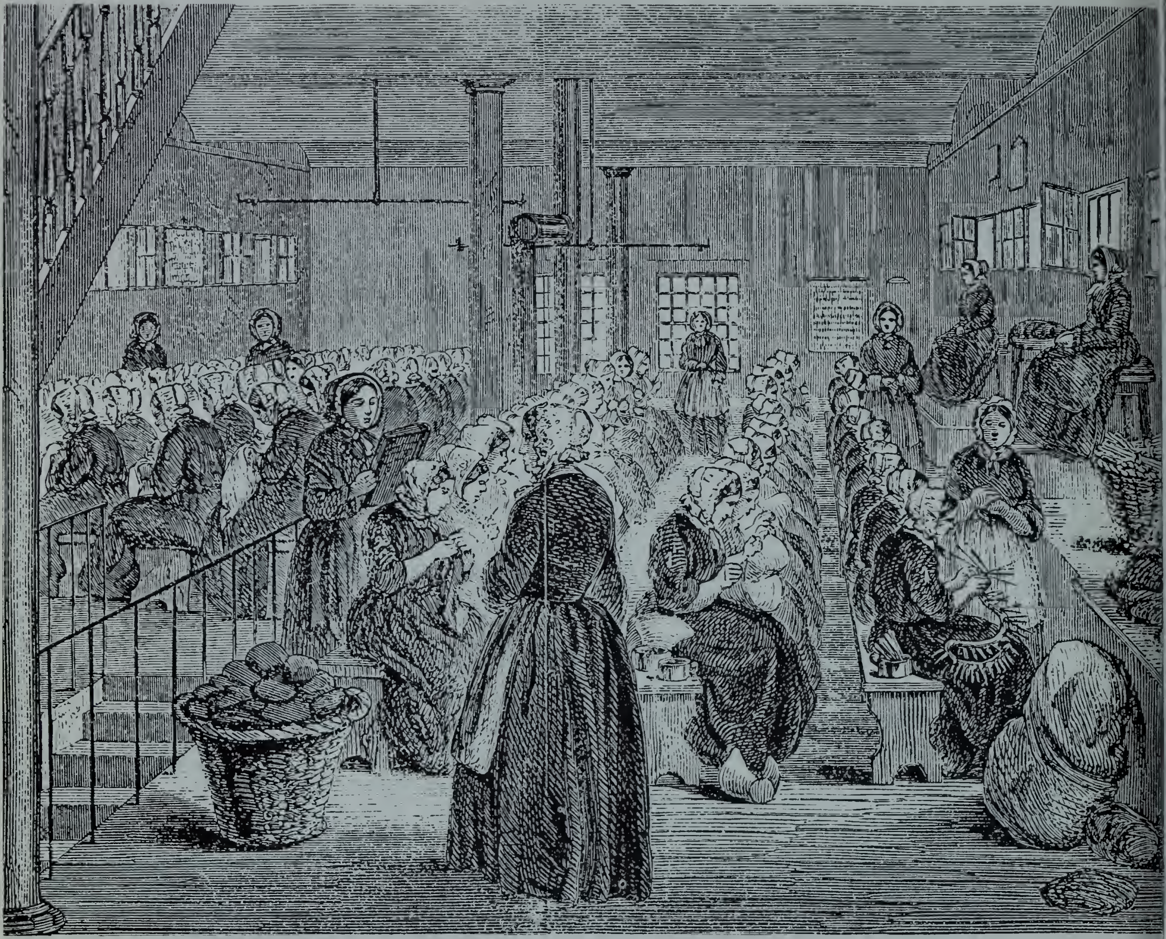
> 1842 Oct 11, Catherine Banks aged 10 proved guilty of purloining different articles in the prison . . . to be kept on Bread and Water for seven days. She was later sentenced to three months hard labour, the last week in each month in solitary confinement.

An entry for 13 December of the same year demonstrates a glimmer of practical concern for the offender:

> Sarah Grinlin, aged 20, a Rogue and a Vagabond, had the Itch when she came to prison for three months hard labour. The Committing Justice ordered she should have her shoes mended.

Within the houses of correction higher standards were being applied. At Bristol the rules and regulations for 1840 included

> 118 If a prisoner be seized with any disorder threatening infection or contagion . . . shall be forthwith removed to the Infirmary and the cell shall be cleaned, white-limed and disinfected with chlorine
> 166 The female convicts shall be employed in the wash kitchens or the laundries, or in their cells . . . not exceeding more than 10 hours in any day exclusive of time allowed for meals.



A work-room on the silent system, at the House of Correction, Tothill Fields, 1820.

167 '. . . the hair of the female convicts shall not be cut unless it be necessary for cleanliness or as a punishment for disorderly or refractory conduct . . .'

Naturally there was comfort for a woman prisoner in the company of others, but such solace had to be earned. On arrival at Brixton Prison, a woman underwent separate confinement as a four-month probationary term. She progressed to silent association which meant working (shirtmaking, hemming, stitching, laundry) with other prisoners without speaking. The final phase was association and being allowed to talk to prisoners at given times. Airing yards at Brixton had grass plots and flower-beds, unlike the bare gravel spaces of other prisons. The women wore loose, brown robes with blue aprons and neckerchiefs and white muslin caps. By night they slept in separate cells. Good behaviour merited privileges: visits, letters and payment for work, and might eventually qualify a woman to a 'ticket of leave' – release for the unexpired period of her sentence.

The prison possessed an infirmary, and to escape to its relative comforts convicts employed any means, including self-injury. Brixton also had a maternity ward accommodating up to twenty mothers and babies, and pregnant women were always moved there from Millbank Prison when a birth was imminent. Formerly the child had remained with its mother until the age of two, when it was sent out to her relatives or friends; by 1860 a prisoner kept her child with her for the duration of her sentence.

Despite what were real changes in the penal system not everyone believed offender's characters could be improved. In 1862 a prison matron from Millbank and Brixton published an anonymous book of memoirs in which she described women prisoners

> As a class they are desperately wicked – deceitful, crafty, malicious, lewd, and void of common feeling. In the penal classes of the male prisons there is not one man to match the worst inmates of the female prisons . . . some women are less easy to tame than creatures of the jungle.

However, the majority of habitual female offenders were brutalized by and emotionally dependent upon men of criminal habits. The relationship between the wretched Nancy and Bill Sykes in Dickens' *Oliver Twist* was probably typical.

Since the abolition of flogging as a penalty for women in 1820, maintaining discipline in female prisons caused great problems. Dark cells, restricted diet and loss of privileges were the only available sanctions. The prison matron acknowledged that far from working good the dark cell did physical and mental damage. No wonder that prisoners often became violent and hysterical when sentenced to a term in the dark and had to be forcibly transferred by male warders.

When Henry Mayhew and John Binny (the authors of *The Criminal Prisons of London and Scenes of Prison Life*, published in 1862) visited the Surrey house of correction at Wandsworth, opened in 1851, they found in one of those punishment cells a twelve-year-old girl. For tearing her clothes the child had been locked in the dark for forty hours on a diet of bread and water.

After a visit to Tothill Fields (the Westminster house of correction), which after 1850 contained women chiefly guilty of offences connected with prostitution, Mayhew and Binny described the melancholy sight of many girls and boys under fourteen picking oakum in an association ward. An eight-year-old girl was serving a three month sentence for stealing a pair of boots; when asked why she had stolen them, she answered "cause I hadn't got none of my own'.

The long reign of Queen Victoria may have been the Age of Enlightenment but it did little to alleviate women's treatment in prisons:

female offenders were still 'criminals' to be severely punished even for minor infractions.

Gradually the realization was dawning that without the right to vote women's views had scant representation in Parliament, and any improvement in their lives still depended on the goodwill of men. Female protestation began to manifest and organize.

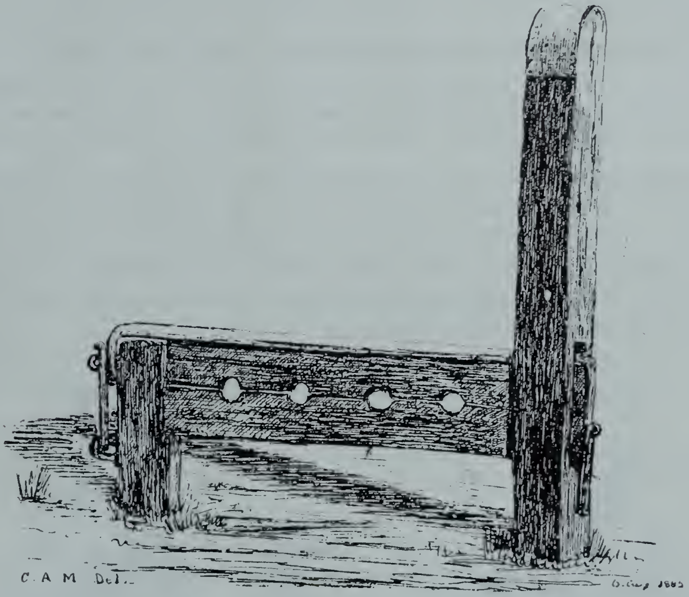
In the spring of 1912, Emmeline Pankhurst and Mr and Mrs Pethick Lawrence, the leaders of the Women's Social and Political Union, along with many of their militant suffragette members, were imprisoned for their protests and activities against the Reform Bill which in Prime Minister Asquith's words 'does not propose to confer the franchise on women'. In prison the offenders resorted to hunger strikes, and to prevent acts of martyrdom the authorities employed forcible feeding which in its barbarity and disregard of a prisoner's self-respect was a noisy echo of the treatment dispensed in the houses of correction. The suffragettes resisted so violently that forcible feeding proved difficult for the perpetrators, dangerous to the victims, and created public unease.

In 1913 in order to tame this new breed of female 'criminal' Parliament introduced the Prisoners (Temporary Discharge for Ill-Health) Act, popularly and picturesquely known as the Cat and Mouse Act. It provided that if death was threatened through hunger-strike, the prisoner must be released 'on ticket of leave', but rearrested without need of a fresh warrant 'when deemed sufficiently recovered', and contained a piece of gratuitous malevolence in that 'periods of convalescence' were not counted for remission.

This act was no deterrent and made the law ridiculous with suffragettes being arrested and discharged only to be rearrested. In 1913 182 Mice endured the torments of the Cat; Mrs Pankhurst herself hunger-striking twelve times and serving only thirty days of a three-year sentence of penal servitude, a year after being sentenced.

It took the First World War of 1914–18 and the courageous stance of Britain's womenfolk in that victorious tragedy to swing public opinion to grant votes for women as a first stage of emancipation. It took a Second World War, and the – still somewhat unequal – Equal Opportunities Act to secure further liberations.

9 Stocks, Pillory, Thew and Cage Of Sores and Shames



The stocks at Little Houghton, Northampton, showing a whipping-post on the right.

For our ancestors, punishment was public demonstration of a ruler's control over subjects' behaviour: a spectacle intended to oppress wrongdoers with painful ridicule and deter others from committing a similar offence.

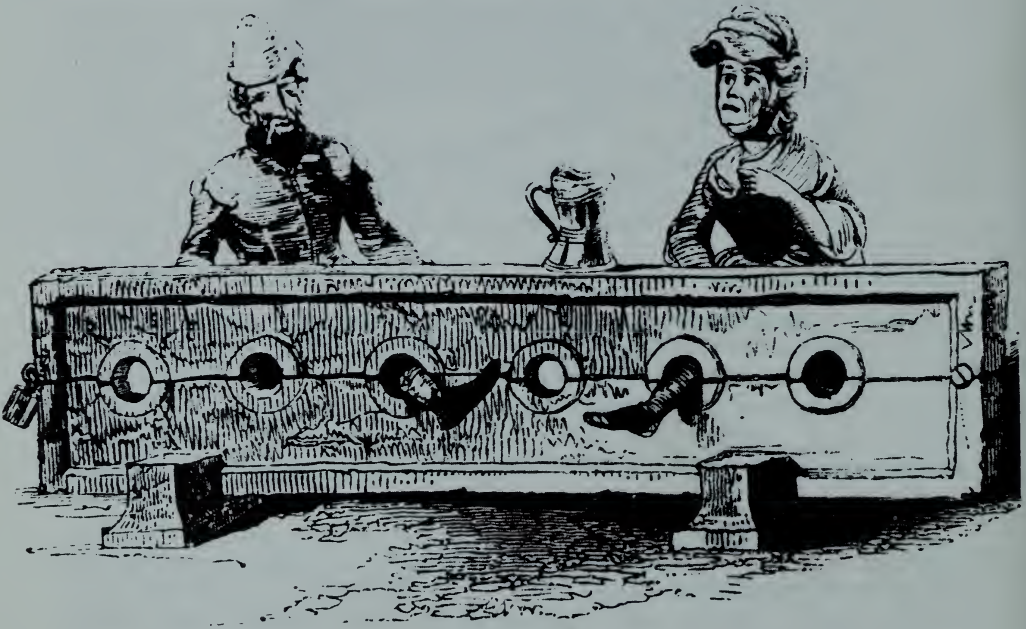
Throughout English history whipping-post, stocks and pillory were the most utilized 'light punishments', frequently applied to women for whom such humiliation must have been particularly mortifying in a society which placed much emphasis on the modesty and virtue expected of its female members.

The stocks as punishment or means of restraint existed in Biblical times. That much afflicted man, Job, complained how God had placed his feet in the stocks; while for his prophesies Jeremiah was put in the stocks by his own people; and in the Acts of the Apostles, Paul and Silas were thrown 'into the inner prison . . . their feet fast in the stocks' for casting out a divinatory spirit from a damsel which had brought 'her masters much gain by soothsaying'.

In Britain, pinning men and women in the stocks is an ancient punishment; *Stocce* is Old Saxon meaning tree-trunks or planks of wood out of which two holes had been scooped to hold the legs of anyone who had committed some minor offence. Being merely two parallel planks or logs bound with iron hoops and secured by heavy bolts or a padlock the stocks were easy and cheap to make, and could hold culprits when no other convenient place existed for their detention.

The first official reference to stocks appears in a Charter of Henry III in 1227 to Henry de Brayboc (Braybrooke) in Northamptonshire for two fairs to include *ceppes* (the Norman-French name for stocks) in the town of Corby, presumably to restrain drunken revellers. Such stocks must have been often repaired or renewed since they were in use until 1882.

The next Stocks Act in 1350–1 was addressed to the seigneurs, seneschals, bailiffs and town constables of every town and commanded that anyone who refused to work or who quit their town in winter for three days or more was to be put into the nearest jail and kept there until they had been adjudged. The malefactors were then to be put in the stocks, and for this purpose stocks were to be erected in every town 'between now and Pentecost coming'.



These rather elaborate stocks stood in Cheapside, London, where there have been stocks since before 1200. They were for the punishment of petty offenders such as ale-wives, bakers and butchers who gave short measure or over-charged. The stocks, which stood where the Mansion House now stands, marked the central point of the city where all the principal roads used to meet.

There's more than an echo of this royal injunction in the 1688 orders of the Northampton city authorities regarding any man or woman 'refusing to help in getting in the hay and corn'; they were to spend 'two days and one night' in the stocks.

Further Stocks Acts were enacted in 1376 and 1405, the latter stating that 'the absence of a pair of stocks downgraded a village to a mere hamlet'. Perhaps civic pride led to a widespread erection of stocks. Great landowners had their own stocks for servants, and colleges provided them for unruly students.

Over the centuries the local stocks, frequently sited in a central area like the market-place, became a focus for the erection of other instruments of punishment: the pillory, with its concommitant for females, the thew, as well as the municipal whipping post and the Cage.

At Coleshill, Warwickshire, some ingenious and economically minded craftsman fashioned a contraption which was pillory, whipping post and stocks combined. For the stocks, the offender sat on the wooden bench with the legs through the lower pair of loops; for the whipping-post the offender's hands were pinned in the small pair of loops while the lash was applied; for the pillory the victim was made to stand on the upper shelf. This all-purpose engine could hold several malefactors at once, and was suitable for scolds since a branks could be slipped on a confined woman's head. Although Rye in Sussex possessed a similarly designed pillory it is surprising this device was not more widely copied by town governors constrained by economic pressures from their electors.

Almost every settlement including the city of London had its 'pair of stocks'. Indeed these provided the name for the very centre of the city at the junction of the four original highways – where today stands the Mansion House, the Lord Mayor's official residence. This area was known as 'le Stokkes Market' when rebuilt by Mayor Henri de Waleis in 1281, and stocks would have been there from much earlier times.

People could find themselves 'stocked' for fairly trivial offences like gambling, scolding, fighting, vagrancy and of course drunkenness: failings open equally to women as to men. At Wellington, Somerset, where the stocks were sited at the end of the Shambles in Fore Street, the last two people to be punished in them were the keeper of The Red Lion, one George Fry and 'a drunken woman, Annie Furzelands . . . which caused great excitement amongst their neighbours.'

The stocks had scant effect on the drinking habits of the population. In Bristol in 1729 a temperance movement was organized 'for the suppression of drunkenness and prophanity'. The City Aldermen propounded that incorrigible drunkards and swearers, men and women alike, should be locked in the stocks for four hours or more, depending upon how much had been drunk and how bad the 'prophanity'.

Very minor theft might land a woman in the stocks. In Shepton Mallett in January 1608 Anna Walters of Pilton, who had stolen wool worth fourpence from her master, was ordered to be 'set in the stocks in the open market on Friday next January 12 there to continue with a lock of wool hanged before her . . . during the continuance of the market on that day'.

In that town it was even less desirable for a woman to be charged with 'careless living': in June 1649 a widow, Anne Morgan, so charged, was ordered to be imprisoned:

> until Saturdays Market and then be set in the Stocks and after that tyme to be washed in the Pallace Moote [moat] and then to be brought to the prison there to remayne during the pleasure of the mayor.
>
> (A 'washing' in this instance meant a 'ducking'.)

The stocks were also a punishment for selling rotten meat, adulterating or watering ale, and in the city of London anything which did not accord with the various assizes, but particularly wicked when such imperfect goods were imported from sinful Southwark, across the bridge, or equally outside the Portsoken – Aldgate – where unscrupulous ale-wives sneaked in their wares to undercut the price and quality of city brewers. In general culprits spent no more than six hours in the stocks, but there's plenty of evidence to suggest many folk were confined for much longer periods.

The site of the stocks was neither solemn nor savoury; an idea of what it must have been like around the London stocks comes from a report in July 1444 when there was:

> grete and grevous hurte to the citizens . . . pulteres [poulterers] beside the Stokkes, and other publicke pultereres kepynge Swannes, gees, Heronswese [young herons] . . . whereof the Ordure . . . is of grete stenche and evill savouring [causing] grete and perlyous infectynge of the peple . . . longe oftentymes bene complayned of . . .

Wars and their aftermath increased the demand for stocks everywhere: thousands of discharged and wounded soldiers, of course without any pension, together with their womenfolk and offspring starved and begged along the highways. Such vagrants were forever being moved on in the most ruthless manner by authorities determined to prevent civil unrest. In 1472 the Lord Mayor of London, Sir William Hampton, ordered 'extra stocks to be erected in everie warde'. While he wanted to deal with the vagrant problem his main objective was the punishment of 'strumpettes' in order 'to cleanse' the city of fornication – a task as endless as it was impossible.

In 1496 Henry VII renewed the ordinance that 'vagabons' be held for three days and nights. In 1505 Henry VIII reduced the holding period to one day and one night, mainly to keep these 'miscreants' on the move – and so save the townsmen money. During Elizabeth's reign, the diarist Henry Machin around 1560 noted there was a set of stocks on London Bridge (there until 1823), and recorded that:

> Atte St Katheryne-beyonde-the-Toure the ale-wyff atte the Syne of The Rose a taverne was sett uppe for ettynge of rowe [raw] fleeshe and rostyd bowth [roast beefe also] . . . and foure women was sett upp in the stockes alle nyghte til ther hosbandes dyd fetche theym hom . . .

That financially shrewd monarch James I in 1624 allowed offenders the option of paying a shilling in lieu of three hours in the stocks. Gradually fines instead of being 'stocked' became more frequent, particularly in rural areas, where common misdemeanours were known and acceptable to neighbours.

Local records demonstrate how constant and rough usage of the stocks ensured endless repair problems and unpopular demands for financial contributions from ratepayers.

The good and the bad people of Leicester were always forking out money for repairing or making items to punish misbehaviour. In a certain respect Leicester resembled the city of London: from earliest medieval time it was obsessed with moral standards. In 1467 the Borough hall book records how women of ill-fame were to be thrust out of the town:

> Also that no bordell be holden withinne this towne, no bawdery no bawde dwelling but that the firdeborowe [beadle or constable] next dwelling [nearest] utter them to the Courts AND that they be voyded at the fyrst warnynge IN PAYNE of inprysonment and fyne and rawnsum to the Kyng.

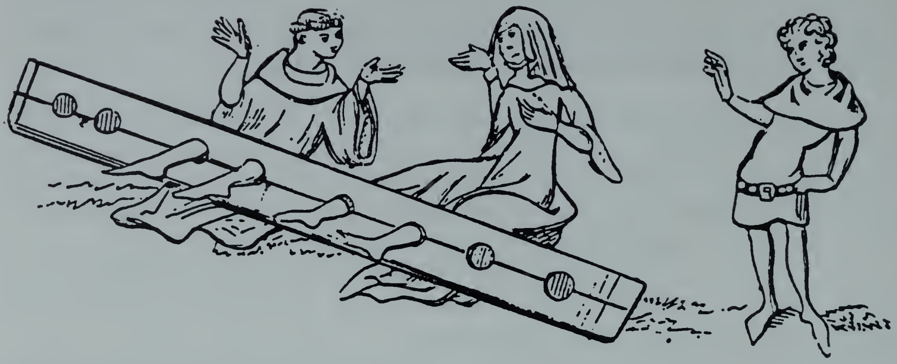
Simultaneously much concern was exercised over environmental cleanliness:

> *For clensynge the strettes:* Also that all menne and women that bene inhabitauntes in this town that they clense the Kynges stretes every man before hys place as well withinne the gates as yn the subberbys [suburbs] of the same AND they that hath muk and swepynges and others fylthes and corripcions . . . doe ordeyne a carte therfore to carye hit awey AND that they leye [leave] non owte at theyre dors past iii dayes att the moost IN PAYNE of inprisonment as longe as the Mayre lykes and fyne and raunsom to the Kyng,

Non-compliance also entailed a spell in the stocks. Small wonder Leicester had nine sets sited throughout the town, their wear, tear and need for renewal being a constant financial headache. There was also the problem of vandalism. In 1617:

> one shilling and sixpence was paid to John Kirke and others for fyndeynge and takeynge upp the Stoke at the West Gate, they haveynge bene throwene into ye [river] Scare . . .

How they came to be thrown in the river is anyone's guess. When, in the mid-nineteenth century, the stocks at Knossington mysteriously 'disappeared overnight' and were found next day in the village pond,



A medieval sketch of an erring monk and his paramour in the stocks with a shocked onlooker showing his disapproval of their behaviour.

the incident might just have been blamed on goblins (the old Swedish *knos* meaning a goblin or terrible man) rather than drunken revellers.

While the basic design of stocks remained the same over the centuries certain local variations occurred. Many confined in them at least had the company of other offenders, without any sexual segregation; 'three holers' were not unusual as at Apethorpe and Gretton in Northamptonshire.

In Saffron Walden, Essex, stood a fearsome contraption with a double row of ten holes to accommodate five malefactors simultaneously, their feet held fast in the lower row and their wrists padlocked into the upper row. The earliest reference to a woman 'stocked' here in 1657 when Mrs Vashti Rush 'was adjudged to sitt in Stockes six owers [hours] and then acknowledge her fault to Mr Chamberlain Leader'. Alas, there are no details of the offence she was to confess: perhaps Vashti had proved as disobedient a wife as her royal namesake who had refused to obey the command of King Ahasuerus.

Sometimes a woman suffered the worst of both worlds: at Kettering, Northamptonshire, in 1765, Anne Kettering 'adjudged a rogue' was whipped at the stocks, then shackled into them to be discharged 'after paying her fees', In eighteenth-century Bristol a woman, convicted of stealing three yards of dowlais (coarse linen cloth), was put in the stocks, then stripped to the waist and flogged down one side of the High Street and then up the other.

Not all stocks were a permanent fixture. Glastonbury's had wheels and could be wheeled out as required. A set of stocks on low wheels is preserved in the church of St Leonard's in London's Shoreditch, known over the centuries as a 'red-light district', just outside the city wall at Bishopsgate. In Northampton the replacement stocks were either on wheels or removable. The necessity for new ones followed John Daniel, the town constable, having the temerity in 1634 'to sett one of ye Kings Guard in ye stocks of ye Towne' right in the Market Place, which not only cost him a £3 fine and the loss of his job but also a term of imprisonment, during which time a mob of infuriated soldiers 'burnt the Stocks on the Cornhill'.

Not every civilian accepted punishment meekly: in Hastings in 1806 Mary Bean was bound over 'for helping a man to get himself out of the stocks'. From that time the stocks were seldom used and in 1853 were removed from their original site at the crossing 'next The Kings Head at Union Street'.

By the middle of the nineteenth century some sturdy criticism was voiced against this humiliating punishment of harmless women. From Truro, in Cornwall, *The West Briton* of 4 October 1844 reported how:

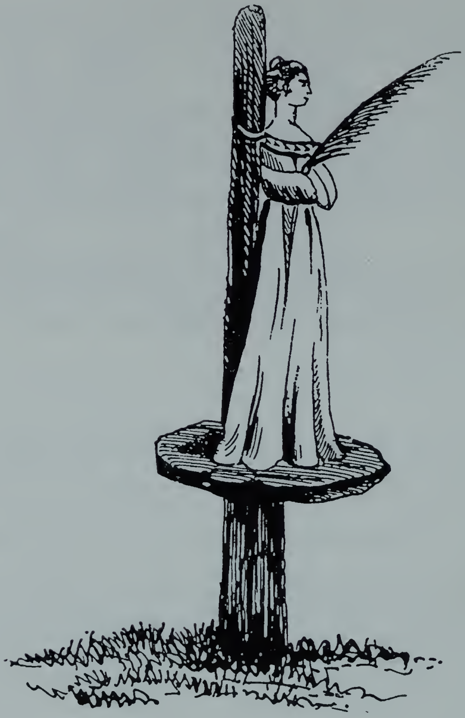
> On Monday last a very disgusting scene was witnessed when two old women, notorious drunkards were placed in the town stocks for six hours in the middle of Boscawen Street opposite the Market gates. One of them by sitting on a quantity of straw and a pillow took the affair very calmly by knitting, indifferent to the hundreds of people and children milling around her, but the other was not so comfortably perched, having a bad leg and was certainly much distressed because she wept continually.

Four years later on 22 September 1848 the newspaper indignantly reported a 'most brutal and indecent punishment enacted in the principal street of Truro'. A young woman, Alice Murton, had a year earlier been fined by the magistrates for drunkenness and ran away to avoid payment. For some reason she returned, she was seized by the police and taken before the mayor who ordered her to be confined in the stocks for six hours. Some passing gentlemen paid the fine and she was released. The newspaper thundered: 'We have been so much accustomed to the strange proceedings of the mayor that nothing which he does can now surprise us . . . his conduct is uncalled for . . .' The paper considered his action disgraced Cornwall, and added there was not another magistrate in England who would have revived this out-of-date punishment in the case of a woman, 'so utterly opposed to the spirit and feelings of the present day'.

The official companion to the stocks was the pillory, introduced into this country from Germany, where it was called *der Pranger*, and known in Anglo-Saxon times as the *healsfanger* – the neckholder. In describing it as a *machina ad ludibrium* – a device to make a person a ludicrous sight – Canute summed up the intention behind such punishment: shame rather than pain. In Norman-French it was called *le pillori,* and by that name introduced in a statute of Edward I that every stretch-neck or pillory should be made of a convenient strength 'so that execution shall be done upon criminals without peril to their bodies'.

Men and women alike were sentenced to the pillory, but specially for women there was also the thew (or thewe). A reference to its use appeared in the Domesday Book (1084) for Ipswich:

> Women that ben comoun chiderers and stryvers in the forseid town of Gippeswich [Ipswich] and wil not chastys her wykked tunges but maliciously wythseyn her neghbourys, be they chastysed by the Jilyse that



The simplest type of thew for female offenders, as used in the City of London, c. *1250.*

> ys clepyd the thewe or ellys make they grevous raumpsoun zif they have wher of . . .

Here was a warning to all who maliciously talked against their neighbours: they would be clapped in the thew or pay a hefty fine.

Similar in intent to the pillory, the thew's actual construction seems to have been a simple metal neck-ring, but much depended upon the artisan called upon to use his imagination in transforming this perverse idea into an actuality. All references suggest it was intended as a mild and not very painful form of shaming and restraint.

Ale-wives caught selling false measures could end up on the thew.

> 1364 Nov 23 Alice de Caustone sold an unsealed quart of ale in the pot where there was one and half inches thicke of *picche* [pitch] hidden by spriggs of Rosemarie: punnyshed by the pyllorie of the thew for women.

and the fishwife who rashly hawked stale wares in a place where justice was exacted encountered a similar fate.

> 1372 Satterday after the feaste of St Giles, Margery Hore, a Fysshewyff . . . with certayne fisshe calld soles . . . stynkynge and rotten and unwholesome for humans . . . exposed for sale at ye Stokkes . . .

> whiche shee dyd nott denye . . . punnysshement of the thewe with the fysshe burnt abowte her.

What sounds a more serious crime, the 'borrowing' of a child, also merited the thew.

> 1373 March 21 Alyse de Salesburie . . . ajuged to the thew . . . for one houre in the daye . . . for takynge lyttle Margaret, daughter of John Oxwyke, Grocer in the Ropers . . . [she] carryed her awaye, strypped her of her clothes . . . that shee myght goe beggynge with the [sayde] childe . . . Punnyshement one houre on the thewe.

The thew was another of those punishments employed by the city of London in its crusade against vice.

> 1385 July 27 Elizabeth Moreing wyff of Henry Moringe, accused of beynge a procuress, haveing sent a young girl, Johanne to be a prostitute. She elected to be tried by a jury and found guilty. She was taken to Cornhille, put upon the thew one houre dayly and then to be taken to some Gate of the Citie and there to forswear the Citie and nott return [otherwise] to spend three yeres in prison and be sett upon againe uppon the thewe everie tyme she broke the sentence

Elizabeth's cover was an embroidery enterprise into which she took a number of young female apprentices including Johanna, who revealed the exact nature of her employer's craft. The embroideresses were hired out by Elizabeth to friars and chaplains at an agreed rate. On 4 May Elizabeth sent Johanna to accompany a chaplain and carry a lantern before him to his chamber where she was also to spend the night. Next morning when Mistress Moreing asked her to hand over the fee, the girl claimed she had not been paid. Elizabeth sent Johanne back the following night with the instructions she gave to all her embroideresses: to take from the chaplain's lodgings anything she could lay hands on.

Around this time convicted male and female brothel keepers, their hair cropped, were led to the thew, accompanied by minstrels. Prostitutes were treated similarly but wore a cloth hood over their head on the journey and carried a white wand in their hand. Procurers and procuresses were taken to the thew carrying a distaff dressed with flax, and remained there at the discretion of the mayor and the aldermen. Modern minds might wonder if the subsequent financial reward of such self-advertisement counter-weighed disgrace.

During the reign of Richard II (1377–99) a scold might be sentenced to the thew, or a woman found guilty of propagating lies and scandal – which is what happened on Thursday 2 March 1391 to:

> Isobel de Lynchelade . . . for trying to blackmail William Squyer [Squire] of Brede strete . . . by demandinge two Shillings or shee woulde doe hym some damage and injurie . . . she was found guilty and ordered to bee putt uppon ye thewe for one houre dayly.

Isabel's false accusations that William was a thief and handled stolen goods, offences of which he was innocent, had landed him in prison for five days.

As with the thew any physical discomfort occasioned by being in the pillory was largely incidental. Its principal function was to expose offenders to public ridicule, and at one time to ensure this a woman was liable to have her head completely shaved before being locked into position.

There was no regulated pattern for a pillory's construction either, and contemporary sketches depict several different designs. While most held one person, some could accommodate two or even more offenders. In early seventeeth-century Manchester a pillory was 'erected in the Market Cross with a platform on which several people could stand'. This became known affectionately among locals as *The Tea Table*; to be 'invited to tea' was a euphemism for a spell on the multiple pillory.

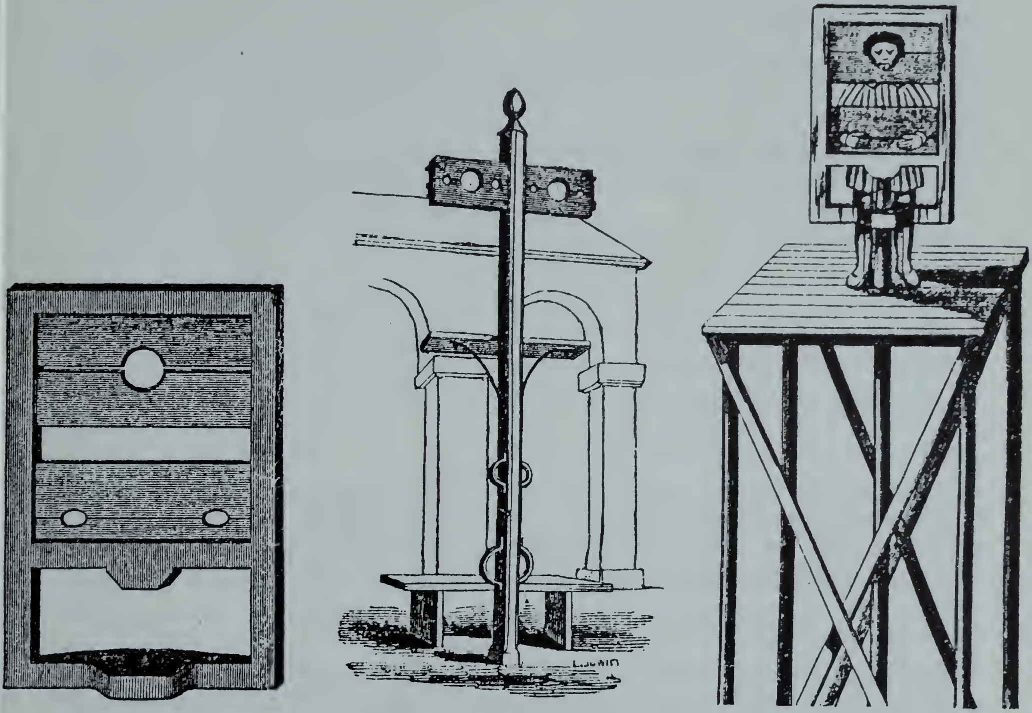
Sometimes a pillory was elaborately constructed, but the typical one consisted of a platform raised several feet above the ground, surmounted by a wooden post with an attached frame. The victim was made to stand on the platform with head and hands secured through apertures in the frame. Many pillories were constructed so the upright pole could be swivelled enabling offenders to be turned in any direction to face their tormentors, or to turn away from them as best they could. When a pillorying sentence was pronounced it was customary to state on how many occasions and for what lengths of time the punishment was to take place.

In England the pillory was used to penalise dishonest tradesmen and women, bakers and ale-wives, and in later years for controlling prostitutes, brawlers and common scolds. Sometimes those pilloried for spouting obscene or seditious words might incur the additional painful punishment of having one or both ears lopped. Linked with a term of imprisonment the pillory was also used for exposing to public disgrace a convicted criminal.

The earliest record of misdeeds warranting the pillory is the *Judicium Pillorie,* a statute of Henry III, dated 1267, applied to all inhabited settlements in the kingdom. It stated:

> If a Baker or Brewer did not observe the Assize, the first second and third time, to be amerced but if the offence be grievous and often he shall suffer punishment of the body. To Wit, a Baker to the pillory and a Brewer to the tumbrel . . .

A thirteenth-century ordinance demonstrated even sterner retribution facing those bakers in the city of London who



The original pillories were simple posts with three holes on a cross-piece to hold the head and hands of the offender. Over the centuries they became more elaborate and were often combined with other healsfangers. *At Malborough (Marlborough) in Dorset, it was elevated some fifteen feet above the ground on a platform, and the frame of the pillory was on a swivel so that the victim could not escape the dirt, dung and stones thrown by a competing mob. It was last used publicly in 1807.*

adulterated their bread, and as there were then female bakers and brewers, women defaulters could be subject to such punishment:

> If any default shall be found in the bread of a baker in the City, the first time, let him be drawn upon a hurdle to his own house through the great street where there be most people assembled and through the great streets which are most dirty, and the faulty loaf hanging from his neck; and if a second time he shall be found committing the same offence let him be drawn from the Guildhall through the great street of Cheepe in the manner aforesaid to the pillory and let him be put upon the pillory, and remain there at least one hour in the day.

Since it was safe to jeer and hurl missiles at offenders who stood with hands and head pinioned the pillory provided excellent sport. Afterwards of course such areas had to be cleaned, and at a cost: in 1732 and 1737 the chamberlain's accounts for Northampton record an expenditure of sixpence 'for cleaning the pillory after it had been pelted with market offals and rubbish'.

Pelting unfortunates on the pillory was still a popular pastime in 1827 as a report from Chapel-en-le-Frith, Derbyshire, depicts:

> The storm commenced; stones began to spit, mud to mizzle, cabbage stalks thicken into a shower, now and then a dead kitten, sometimes even a living cat, anon an eg . . . a strange appetite in humankind for pelting a fellow creature

The lawmakers must have believed in the efficacy of the pillory 'for tyrannising the peasantry or servile class of the population' into obedience. But, whether all members of the 'servile class' were cowed by thought of this punishment is debatable. In Leicester the pillory stood originally in the market-place next to the Pigeon Tree – an old elm-tree under which local women sold pigeons – but also notorious for dishonest sellers of bread and ale who risked a pillorying from trafficking their wares under its shade. The Pigeon Tree often bore a paper setting out the pilloried person's misdeeds. In 1575 the town accounts recorded: 'for peyntynge [painting – but probably printing] papers for ye cosoners [cheats] sette on pyllorie . . . viij.d [eightpence] . . .'

Constant wear and tear necessitated repair or renewal. In 1608 the chamberlain's accounts mention 'Forty shillings was receyved for part of the Olde Pillowre woode wiche was to spare.' Thrift suggested the sum be put against the cost of the replacement then being erected.

Some of those inflicting punishment no doubt enjoyed lording it over the unfortunates in their clutches, and records from Huddersfield mention the brutality of the beadles and constables even when dealing with minor lawbreakers. Their practices were described as 'a hangover from the even more barbarous Middle Ages'. In 1676 both men and women were 'more beaten' and 'hurry'd to the common stocks', and the pillory was frequently used. In 1705 Sarah Hanson, a Brighouse spinster found guilty of perjury:

> was sett upon ye pillory for an hour at Wakefield in full Markitt tyme; itt was repeated at Halifax the following day and then she was sent to the House of Correccion for a yeare.

Often a single punishment was not regarded as sufficient for women lawbreakers. During the Civil War prostitutes sold their services to the soldiers as they would have to the same men in civilian life; yet one particular 'daughter of joy', who had followed the king's camp from London, must have committed an offence the military were not prepared to condone. At Coventry she was 'taken by the soldiers, and first led about the city, then set in the pillory, after in the cage, then ducked in the river, and at last banished the city'.

In Bristol, in March 1705, Mary James, convicted of being a 'common cheat', was stocked for half an hour and then set in the pillory for one hour on six successive market days at St Thomas Market, the High Cross, Wine Street Quay Pipe, Redcliff Hill and the Temple Pipe, and was severely injured by the missiles flung at her.

Hardly surprising then that in May a woman convicted of a small felony begged for transportation rather than be stood on the pillory . . . 'so great was her fear of being seriously hurt'. It is a measure of the risk entailed that the justices 'granted her wish'.

Although not the intention of the punishment, exposure in the pillory could prove fatal. Sometimes dishonest traders died on it as a result of fumes from rotten wares being burned under their noses.

On 11 April 1758 Susannah Fleming had a lucky escape, being stood in the pillory at the White Cross in Newcastle upon Tyne 'for the first time, having been sentenced for fortune-telling to stand once a quarter for a year', and although:

> She was not molested [by the crowd] but was nearly strangled, either by fainting or the rope being tied too much about her neck and thus being straightened in the hole; which seeing a sailor climbed a ladder 'out of charity' and brought her down on his back in a nearly dying state . . .

In Derby in 1732, the handsome but disreputable Eleanor Beare who kept The White Horse on Nun's Green (now Friar Gate), was involved in the murder of a neighbour. Mr Hewitt, a butcher, and a regular at The White Horse, was having an affair with Hannah Ollerenshaw, Mrs Beare's servant, and was known to have mistreated his wife over a long period, literally starving her. Mrs Beare agreed to help him become a widower, and invited Mrs Hewitt to dine off arsenic pancakes which she had mixed herself, and her maid had fried. Within three hours Mrs Hewitt had departed this world, and Mr Hewitt was a free man . . . temporarily.

Next day the trio were arrested for murder. Hewitt and Hannah were executed, although the girl was much pitied as being the least culpable. Astonishingly Mrs Beare did not share their fate, but was sentenced to stand in the pillory on two market days followed by imprisonment.

An eyewitness account demonstrates the ferocity of the populace at the seemingly lenient punishment allotted to 'the wicked authoress of that mischief':

> I saw her, August 18, 1732, with an easy air ascend the hated machine, which overlooked an enraged multitude. All the apples, eggs, and turnips, that could be bought, begged or stolen, were directed at her devoted head. The stagnate kennels were robbed of their contents, and became the cleanest part of the street. The pillory being out of repair was unable to hold a woman in her prime, whose powers were augmented by necessity; she released herself, and, jumping among the crowd, with the resolution of agility of an amazon . . . new kennels produced new ammunition, and she appeared a moving heap of filth. With difficulty they remounted her . . . An human being in distress excites commiseration whatever is the

> cause. Her punishment exceeded death. By the time they had fixed her, the hour expired, and she was carried to prison, an object which none cared to touch.
>
> The next Friday she appeared again, not as a young woman, but as an old one, ill, swelled and decrepid; she seemed to have advanced thirty years in one week. The keeper suspecting some finesse from the bulk of her head, took off ten or twelve coverings among which was a pewter plate, fitted to the head, as a guard against the future storm. He tossed it among the crowd, and left no covering but the hair. The pillory being made stronger, and herself being weaker, she was fixed for the hour; where she received the severe peltings of the mob, and they, her groans and her prayers. She afterwards sustained the three years imprisonment, recovered her health, her spirits, and her beauty; and at her enlargement was preceded by a band of music.

London, as the capital, boasted the best pillorying cases. One of the most interesting and spirited women to be pilloried was the midwife, Mrs Elizabeth Cellier, whose lasting historical monument was her scheme for a Royal College of Midwives, long before such an establishment was founded. She is better known for her successful struggle to clear her name of the allegation of complicity in the farcical 'Meal-Tub Plot' devised to topple Charles II and restore Catholicism.

She was born Elizabeth Marshall, daughter of a brazier living near Canterbury. Both her parents were fervent Protestant Royalists, but Elizabeth converted to Catholicism in January 1679. She married three times. Her first husband, an English merchant, died in Leghorn. Her second husband vanished to Barbardos leaving her with five children. Elizabeth moved to the city of London and set up as a midwife, marrying Pierre Cellier, a French Protestant merchant.

As a skilled Catholic midwife Elizabeth's services were most welcome at the court during the 1670s where she tended many Catholic ladies, including Mary of Modena, the wife of the Duke of York, the heir to the throne. In autumn 1678 the nation was stirred by rumours of a Popish Plot 'uncovered' by Titus Oates, to remove the king and replace him with his brother. Very many Catholics were arrested and charged with conspiring to murder Charles II. There was a plethora of plots, some to prevent Catholic James from succeeding while others schemed to the contrary. Many were invented 'plots' to betray either side in hope of reward or advancement.

Elizabeth Cellier was a compassionate woman, visiting Newgate to comfort and treat distressed prisoners. Here, one unfortunate day, she met the penniless adventurer 'Captain' Thomas Dangerfield. He confided in her details of plots – he was in fact an *agent provocateur* – by the Earl of Shaftesbury and others.

Unwisely Mrs Cellier paid off Dangerfield's debts, and took him into her employ. She has been described as possessing a sharp and clear mind, but her political judgement was flawed. Whether or not it was clouded by Dangerfield being her lover is uncertain, although her own daughter testified that he 'was her mother's stallion'.

Dangerfield was a rake, often to be found in the Maison de Tolerance run by the fervent Protestant procuress, Mother Elizabeth Cresswell, in company with other young Catholic gentlemen. When he was arrested once more for debt, Dangerfield claimed to know of a plot concocted in Mrs Cellier's house by Catholics against Lord Shaftesbury, the documents being hidden in a meal-tub in her kitchen. This incident was henceforth known as The Meal-Tub Plot, and, however ludicrous it was in the eyes of history, one that caused Elizabeth much pain and grief.

Such was her strength of character even under fierce interrogation, asserting her loyalty while upholding her Catholic faith, that she became known as the Popish Midwife. (At one session the king himself was present and expressed his admiration for her courage in her convictions.) Elizabeth now found herself at the centre of a feud with Mother Cresswell whose devout Protestancy was under suspicion because of her brothel's Catholic clients (although His Majesty also enjoyed her facilities).

Political pressure ensured Dangerfield a royal pardon, but Mrs Cellier was less lucky. When acquitted of the charge of treason and conspiracy on 11 June 1680 she proceeded to proclaim her innocence in a tract 'Malice Defeated' which was deemed a libel, as well as infringing the licensing laws. The pamphlet contained vivid criticisms of conditions in Newgate, and descriptions of the treatment of prisoners:

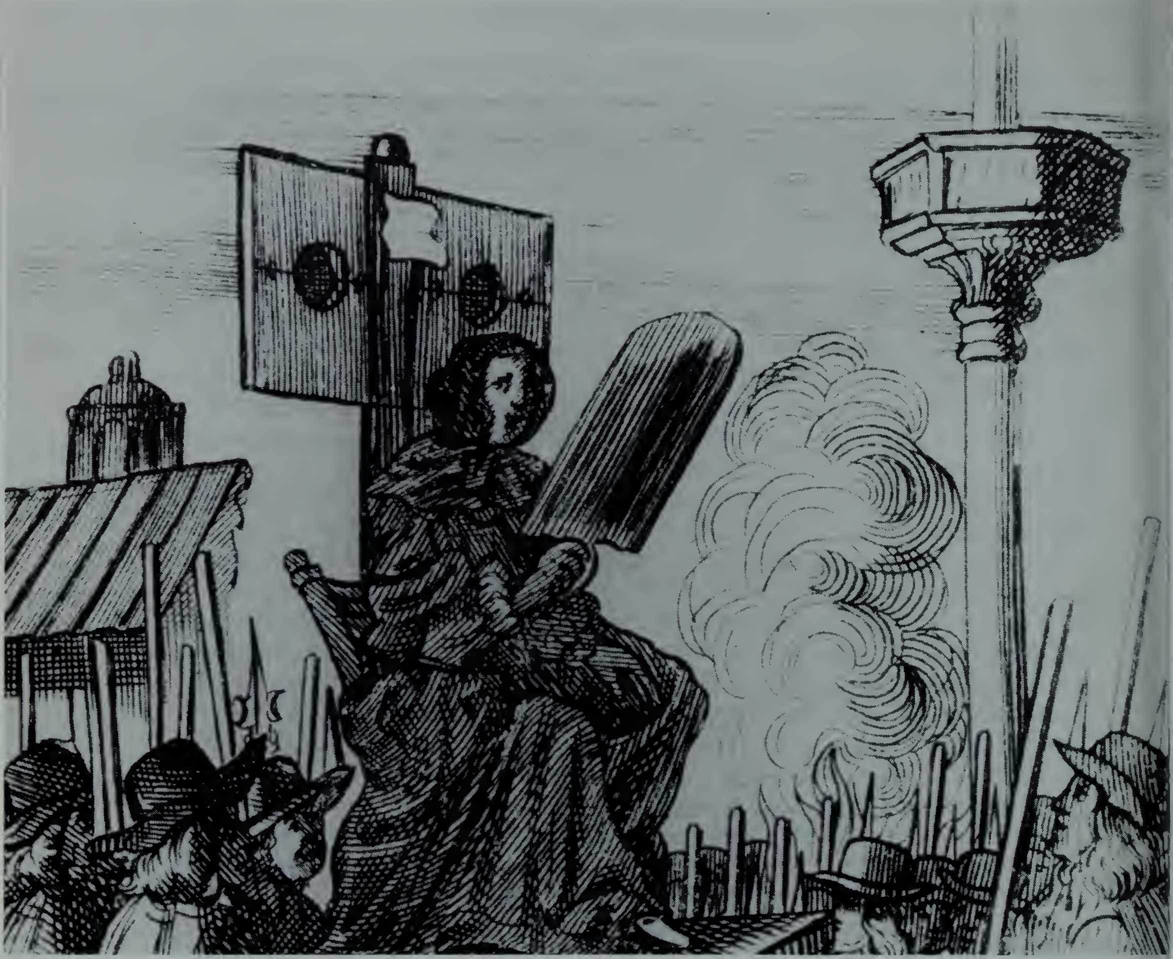
> The Cries of tortured prisoners so resembled those of a woman in labour, that she had offered her services . . . there was a special chamber which held 88 prisoners whose crime was to be of the wrong religion. This was known as *The Chapel* with a grating enabling paying members of the public to witness their agonies . . . there were 'the Shears' weighing forty to fifty pounds attached to the limbs of prisoners which wore the flesh down to the bone . . .

In September 1680 Mrs Cellier was tried again and, found guilty of publishing 'a malicious libel', fined £1,000 (an immense sum at that time) and sentenced in the judge's words to be:

> put on the pillory three several days in three several public places; in the first place . . . it is thought fit that she stand as near her own house as conveniently can be, between the hours of twelve and one, for one hours space at the May-pole in the Strand, on the most notorious day (I think there is a market near that place, let it be on that day). And at another time that she stand in Covent Garden on a public day, the like space of time. And at a third time that she stand at Charing Cross on the most public day, for the space of one hour.

At each pillorying a parcel of the libellous pamphlets was to be burnt by the common hangman.

A Popish 'conspirator', even an ageing woman, could expect no mercy from the mob. And still this remarkable creature remained undaunted. At the age of fifty she declared herself pregnant, and



Mrs Cellier, the Popish midwife, in the pillory for her part in the Meal-tub Plot, 1684. Much public indignation was aroused because she had secured a shield to protect her face.

the women who had come to attire her for her punishment were so perturbed by her cries they called a physician. Unfortunately, this resulted in the discovery of the pig's bladder filled with blood with which Mrs Cellier had intended to add credence to her 'interesting' condition.

She did however get permission to carry a small wooden plate, rather like a battledore, to protect her face against the hail of stones and dung hurled by the crowd, and so escaped serious injury. She also managed to keep her head on one side of the board instead of putting it through the aperture as intended, and this provided a measure of protection. As Rachel Lady Russell noted in a letter to her husband 'All the stones that were thrown within reach she took up and put in her pocket.'

She was still in prison, unable to pay the fine, when in 1682 a lampoon on her staunch Catholicism was published entitled 'Madame Celliers Answer to the Pope', the penultimate verse proclaiming:

A Fart for all the Rogues can do!
I to the Cause will still prove True
and to my own dear Meal-Tub too
– If I come off alive!

Mrs Cellier must be regarded as one of England's lesser known heroines, for her courage never broke, and when she died in 1689 she was still battling with the doctors who used every strategem to prevent any official organization and training of midwives.

Mother Cresswell's fate, however, was not the pillory. After a busy and profitable career, which included arranging a spy-ring of nubile girls in Paris as part of King Charles' espionage network, she lost power and fortune by lending money to her paramour, the staunch Protestant loyalist, Sir Thomas Player. She ended up in Bridewell because she could not pay a bond for £300, and died there in 1685, her death being marked by one of the more remarkable epitaphs in English history:

> She desired by WILL to have a Sermon preach'd at her Funerall for which the Preacher was to have Ten Pounds; but only upon this express Condition that he was to say nothing but what was WELL of her. A Preacher was with difficulty found. He, after a Sermon on the general subject of Mortality, concluded with saying: by WILL of the Deceas'd it is expected I should mention her and say nothing but what was well of her. All that I shall say is this: She was born WELL, she liv'd WELL and she died WELL, for she was born with the name of CRESSWELL, she liv'd in CLERKENWELL and she died in BRIDEWELL.

In February 1721 another infamous whoremistress, Mother Elizabeth Hayward and her husband, Richard, were seized by the beadles charged with cleansing the 'Hundreds of Drury' by which Covent Garden and its environs were known. This notorious couple were the proprietors of The Kings Head Tavern in Russell Street, one of London's renowned houses of ill-fame, and also ran a house in Rose Street, the *cuisine* and the girls in their establishments being reputed for their excellence. From 1703 onwards they had been brought many times before the bench, but on this occasion they were also charged with keeping a 'Gameing House' thus compounding their other offences. They were sentenced to stand in the Covent Garden pillory. Mother Hayward tried pleading her belly, employing a barrister to swear 'she was far gone with child . . . and her life would be endangered . . . by the hardships of the pillory' but a panel of matrons found this to be false, and she was stood in the pillory for three hours on 11 March. Both spent two more spells in the pillory, but the ignominy did not prevent Mother Hayward being worth ten thousand pounds when she died in 1743, while her husband died in 1747 'unsung and unmourned' in The Kings Head Tavern.

One of the infamous women for whom the pillory proved fatal was Mother Elizabeth Needham, who started her career around Drury Lane, but progressed to possessing the elegant and richly appointed whorehouse in Park Place, St James (more or less where the Ritz Hotel stands today). She was a harsh taskmistress to her 'girls', but is best known for having been principal procuress to the ineffable Colonel Francis Charteris. Attesting her fame is Hogarth's painting showing her importuning young girls arriving at The Bell in Wood Street on the Colonel's behalf. Charteris's exploits finally ruined Mother Needham and brought her to the pillory specially set up in Park Place in 1731 and again in New Palace Yard nearby. It was reported that:

> Despite the diligence of the Beadles and other Persons paid to protect her . . . she was so severely pelted by the Mobb that her Life was almost despaired of . . . indeed a little Boy was killed when he fell upon the iron spikes from a Lamp post which he had climbed to see her in the pillory . . .

Of particular note was Mother Needham being allowed to hire men to guard her while on the pillory and to have a small shield to protect her face, both measures quite illegal, and in the event useless since the mob was especially antagonistic. As a result of her injuries she died a few days later, her death being celebrated by a mock epitaph:

> Ye Ladies of Drury now weep
> Your voices in howling now raise
> For Old Mother Needham's laid deep
> and bitter will be all your Days . . .

Another victim of mob brutality was the Covent Garden bawd, Ann Morrow. In August 1777 the famous Bow Street magistrate Sir John Fielding sentenced her to be stood on the Charing Cross pillory. There she lost the sight of both eyes, and died of her injuries shortly afterwards in Bridewell.

Between 1780 and 1790 the mob almost had at its mercy a number of female aristocrats, Albinia, Countess of Buckinghamshire, Sophia, Viscountess Mount Edgecombe, Mary, Baroness Mordington, and Susan, Countess of Cassilis. These ladies, also known as Pharaoh's Daughters, because they kept gambling houses in and about Covent Garden where faro was played for high stakes, were responsible for fleecing the young 'Gulls' – ensigns in the army in particular. As a result of their activities they appeared in court before Lord Justice Kenyon who vowed that 'he would pillory any person no matter their Rank found Guilty of gambling offences'. Nonetheless, they were only rebuked and fined. Gillray's cartoon showing two of the ladies in the pillory with Lady Buckinghamshire being flogged at the cart-arse was no doubt a popular comment on how those of noble rank dodged penalties awarded to less influential folk.

During the seventeenth and eighteenth centuries the pillory was used increasingly for political offenders. Gradually the once hostile crowds became sympathetic to victims, with the risk of demonstrations turning in a prisoner's favour. From 1806 the pillory was used only in cases of perjury or subordination, and finally abolished in 1837 with the courts ordering instead imprisonment with or without hard labour, or a fine.

Imported punishments often take on a peculiar Englishness; some even losing their original barbarity. The cage – in Britain dating from the thirteenth century – has ancient origins in the Near East, where men and women were stripped naked and squeezed into wooden – later metal – cages which were then hung from a hook outside the city walls. Prisoners were left to perish from starvation and wallow in their own ordure until their corpses rotted into shreds. Such was said to be Genghis Khan's customary method of dealing with enemies. But, England's cage was a small shortstay prison for detaining minor offenders.

In 1608 in Southampton a woman found guilty of slander was ordered to leave the town. When a few days later it was discovered she had not done so, she was condemned 'to be sett in a *Cadge* with a Paper before her' proclaiming her crime to the populace.

An early victim of a more barbarous application of the English cage was the Countess of Buchan who had crowned Robert Bruce, King of Scotland at Scone, thereby incurring the vengeance of England's Edward I. In 1306 she was sent to Berwick and ordered to be put into a cage in one of the turrets of the castle and kept there during the king's pleasure.

The 'kage' was:

> to be made of strong lattice-work, cross-barred with wood and well strengthened with iron, into which he must put the Countess of Buchan. In this she is to be surely guarded so that she may in nowise escape. One or two English women of the town of Berwick, on whom there rests no manner of suspicion, are to be set over the Countess as servants. She is to be so guarded that no Scotch person of either sex may speak to her. Those in charge are to answer for her safety with their own bodies.

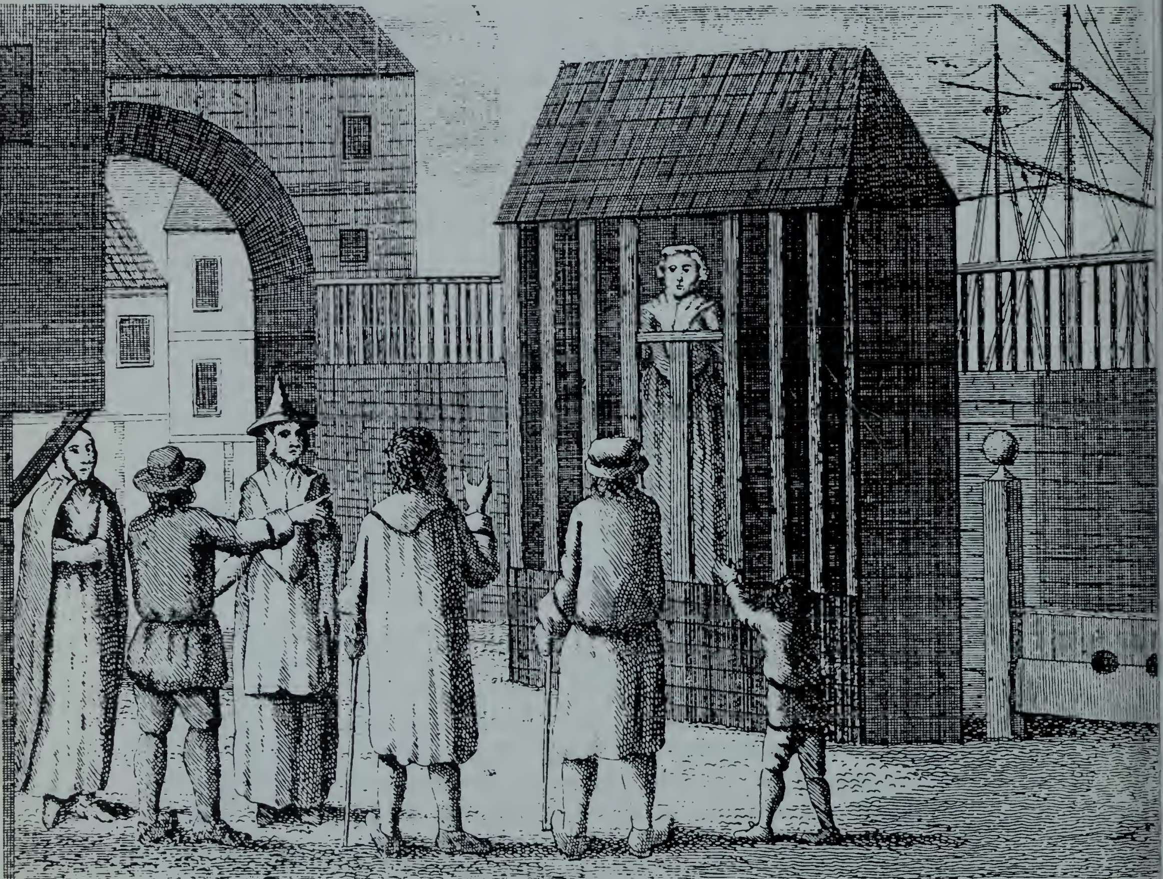
The countess spent four years caged like a beast, gazed upon by those who visited the castle. She at least did not die there, for in 1310 she was given into the keeping of the brothers of Mount Carmel, in Berwick, and in 1313 was delivered to the charge of Henry de Beaumont.

Holding less noble miscreants was the usual purpose of a cage such as the one sited 'yn West Cheape [Cheapside] neare unto the corner of St Laurence Lane' in London in 1391. In the fourteenth century 'Evechepynges' – evening markets – occurred on every feast day on 'Cornhulle' and at Westchepe, 'neare the house called The Cage'. At such markets 'persons doe practise the synne of harlotrye under colours of the sale of (stolen) wares', no doubt supplying the cage with many occupants.

The cage came into its own in 1501 when the Lord Mayor of London Sir John Shaa required one 'to be sett up in everie ward for the punishment of vacabundes' to hold these unwanted visitors overnight, before pushing them out of the city on to the roads and thus out of the mayor's responsibility. In 1509 Lord Mayor William Cappell ordered that, 'smal howses to be put up in everie Ward and stocks fixed inside theym . . . ffor to punnyshe sterke [strong] beggars and vagabaundys . . .' and two were also set up on London Bridge.

A map dated 1542 shows a pillory and cage in the Bordich in Southwark. In 1558 Queen Mary enacted that all wards should have cages although there had been one next to the Clink prison from at least the reign of Henry VIII. In 1620 it was removed, stored in the Bridge House, repaired, and was in place in 1648 'on the west of the Causeway from the Stewes Banke towards the Clinke Gate in Clinke Streete'; but by 1707 a court leet of the Clink Liberty mentions 'the Caidge bee oute of repaire'.

Upright citizens were in favour of law and order but lacked enthusiasm when it came to funding instruments of punishment and restraint. In 1562 Elizabeth issued a TRUE BILL chiding the inhabitants



The cage on London Bridge ordered by Queen Mary in 1558 in a campaign 'to cleanse' the towns of 'myslyvynge' men and women. There is a record of a cage next to the tun in Cornhill, ante *1200.*

of the parish of St Clement Danes who had still, from 1 December of the previous year 'even untill nowe . . . neyther stocks nor a Cage nor *buttes* . . . as they oughte to have had provided . . .'

Occasionally the cage led to tragedy: a post-mortem in 1586 disclosed that: 'Mary Keys *alias* Beck in the St John Street Cage [Clerkenwell] . . . committed suicide by binding her girdle round her necke and hanging it from a pole . . .'

Public dissatisfaction at paying for local punishments could be violently expressed. In 1610 George Thorogoode and William Harvey of St Giles-without-Cripplegate 'threatened to pull downe ye Cage and within a [short] whyle afterwardes ye Cage was thrown downe'. For this offence they escaped lightly with a ten-pound fine.

Two years later on 12 July King James ordered:

> . . . there shalbe a Cage and a paire of Stockes for St John Street, Cowe Crosse and the Charterhouse . . . the Cage to be in some convenient place . . . the inhabitants to tax themselves . . .

The Clerkenwell and Smithfield areas were amongst the most unruly in the kingdom, particularly during the great Bartholomew Fair. Other less turbulent areas had their cage problems. On 7 January 1614 Thomas Bignell, a constable, appeared before the Middlesex sessions: '. . . to indict Edward Sommer for breaking down the Cage of Kensington and helping a woman to scape, that was kept ther by the Constable . . .'

Around the same time Clerkenwell's cage was 'pulled down because it was muche decaied . . . but itt was sette upp agayne under ye bricke wall at the end of the Cuckynge-stole . . .' which stood on the bank of the Fleet Ditch not far from the Sessions House of Hicks Hall at the edge of Clerkenwell Green. This cage was still being used in Cromwell's time.

Ancient baronial privileges incurred responsibilities: on 4 December 1627 it was ordered that a cage and stocks 'be erected in St Giles-in-the-Fields . . . to be mayntayned by the Rt. Hon the Erle of Southampton'. Thirty years later there is another reminder of such duties when in June 1657 at Hicks Hall, the constables of the Duchy of Lancaster Liberty in the Strand:

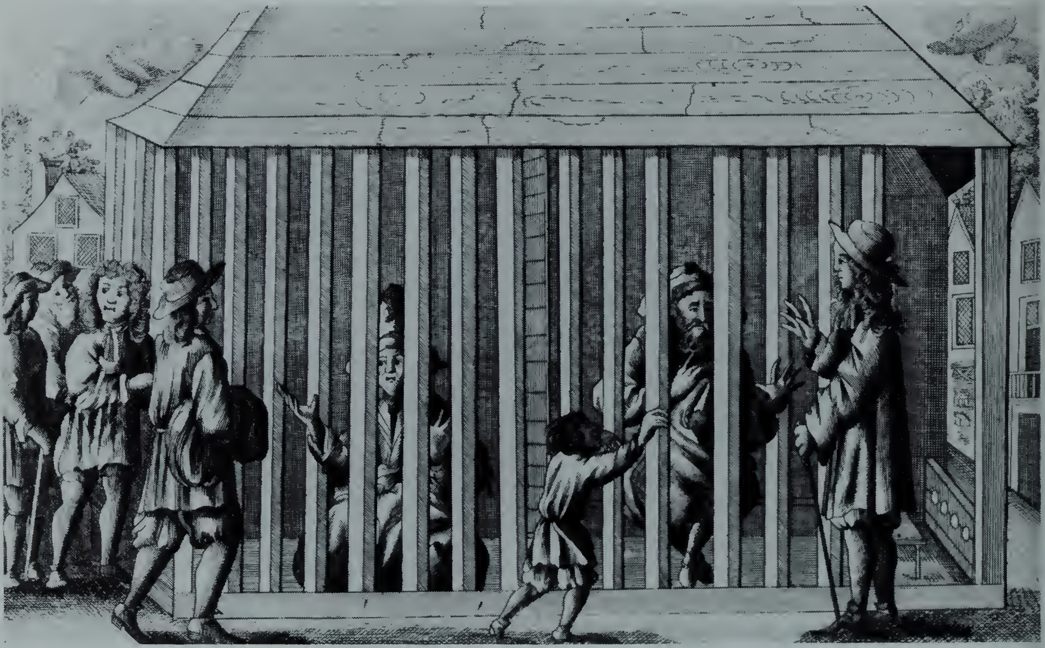
> Philip Peascod, Edward Gavel, William Whieler and Anthony Powlin . . . show that there is a want of a Cage, Stocks, Whipping-post and Cucking-stoool in the Liberty . . . It is ORDERED that these Constables call some chief Inhabitants . . . to assess themselves . . . to a competent summe . . . and immediately gather the Monies for the same . . .

However, in 1685, the failing health of Charles II and the various plots surrounding the succession spawned a sense of insecurity, which between July and October led to dozens of applications at the Westminster and Middlesex sessions for these essential means of restraint to be erected in and about the capital. Although the parishes of St Giles-without-Cripplegate had complained in October 1685:

> there is no Cage to secure Night-walkers and other felons . . . causing great trouble to the Constables [who] now pray for one or two Cages . . . [to be erected] at their own cost, one at Old Street and one at Chiswell Street . . .

they changed their minds the following May and sought to have 'this request . . . annulled'. That the area contained one of London's most famous whorehouses whose clients included the cream of society may have influenced this decision: it might have proved embarrassing and unprofitable to put all night-walkers in the cage.

After this time there are no records in the sessions of demands for cages; with more general prisons being built it was easier to confine female offenders in them.



The Punishment of the Cage for Vagrant Beggers and other Unruly persons, c. *1660.*

Around the end of the fifteenth century when it became usual for a cage to be made adjuncts to pillory and stocks, cages appeared up and down the country. Either they were not strongly made or, more likely, received rough handling from unwilling occupants, because funds for their repair were always needed. In Manchester on 9 October 1584 the town jury 'presented that the Cage is short of repayres'; this first local mention of a cage, describes it as a small temporary prison 'with iron bars through which prisoners could speak with friends and relations and beg for help or charity'.

Barnsley boasted a cage 'with iron bars' in St Mary's Church 'into which Sabbath-breakers' were put during divine service. In

Yorkshire wrongdoers could be penned in the kidcote, an enclosure or lock-up for thieves found in York and Hull. In Beverley before 1519 the Dings in the Saturday Market had a kidcote for holding men and women.

Truro possessed a holding lockup, a clink, for the overnight detention of scolds, vagabonds and drunks, which because of the neighbouring public houses 'was never short of clients'.

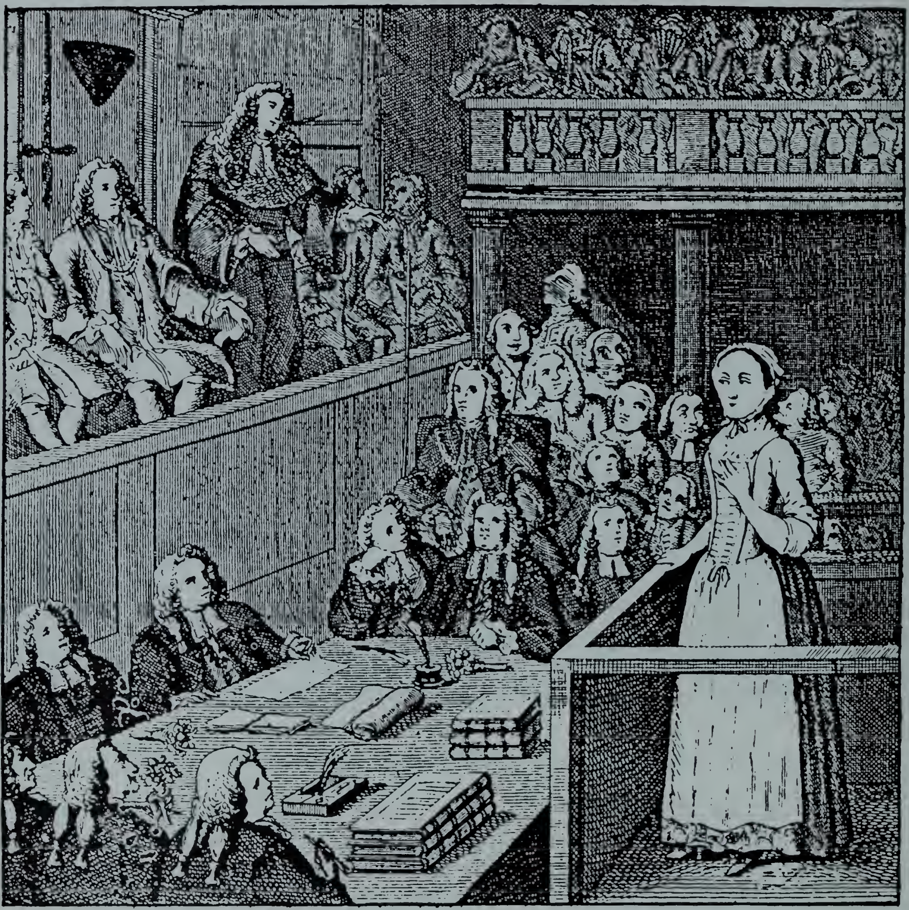
Although not its intention, the cage could prove fatal. Newbury's first reference to its cage is in 1609 when 'Elizabeth Smith, a poore woman died in ye Cage . . .'

In some places cages remained in use into the nineteenth century. Saffron Walden, in Essex, was employing its cage in 1840 to hold those apprehended for stealing and fighting.

Apart from the indignity and constraint of being thrust into a cage, the punishment does not appear worse than many another on contemporary offer to women, although in Leicester where the cage in the market-place was not far from the 'publicke mucke-hill' inmates also had to endure stench and risk of disease. But, a seventeenth-century account presents the grim truth of such 'publick humiliation':

> it was often the case that death resulted from rough treatment in the stocks and the cage while so expos'd to the publick whim.

10 Transportation
The Moll Flanders Sisterhood



Elizabeth Canning stands at the bar in the Old Bailey Sessions House in 1754. She was sentenced to transportation to Philadelphia in Pennsylvania in the Myrtilda. *The contractor, the well-known Mr Stewart, was in court to arrange her shipment on 7 August 1754.*

The best-known early account of a woman being banished from her home and all that was safe and familiar is found in Genesis when at Sarah's command, Abraham sent away Hagar with their son Ishmael, so that young Isaac could be Abraham's true heir. The principle and practice of transportation arose as sovereign states acquired domination over lands beyond their own borders.

In England transportation across the seas first appeared once American territory had been discovered and colonized. It was primarily an expediency to deal with the social problem caused largely by bands of 'Rogues, Vagabonds, and Sturdy Beggars', the unemployed and unemployable, peasants, serfs and retainers set adrift by impoverished gentry, and soldiers discharged after the French Wars and Wars of the Roses. Since the late fourteenth century a series of statutes sought to deal with the thousands of rootless men, women and children by imprisonment, branding, stocking or whipping.

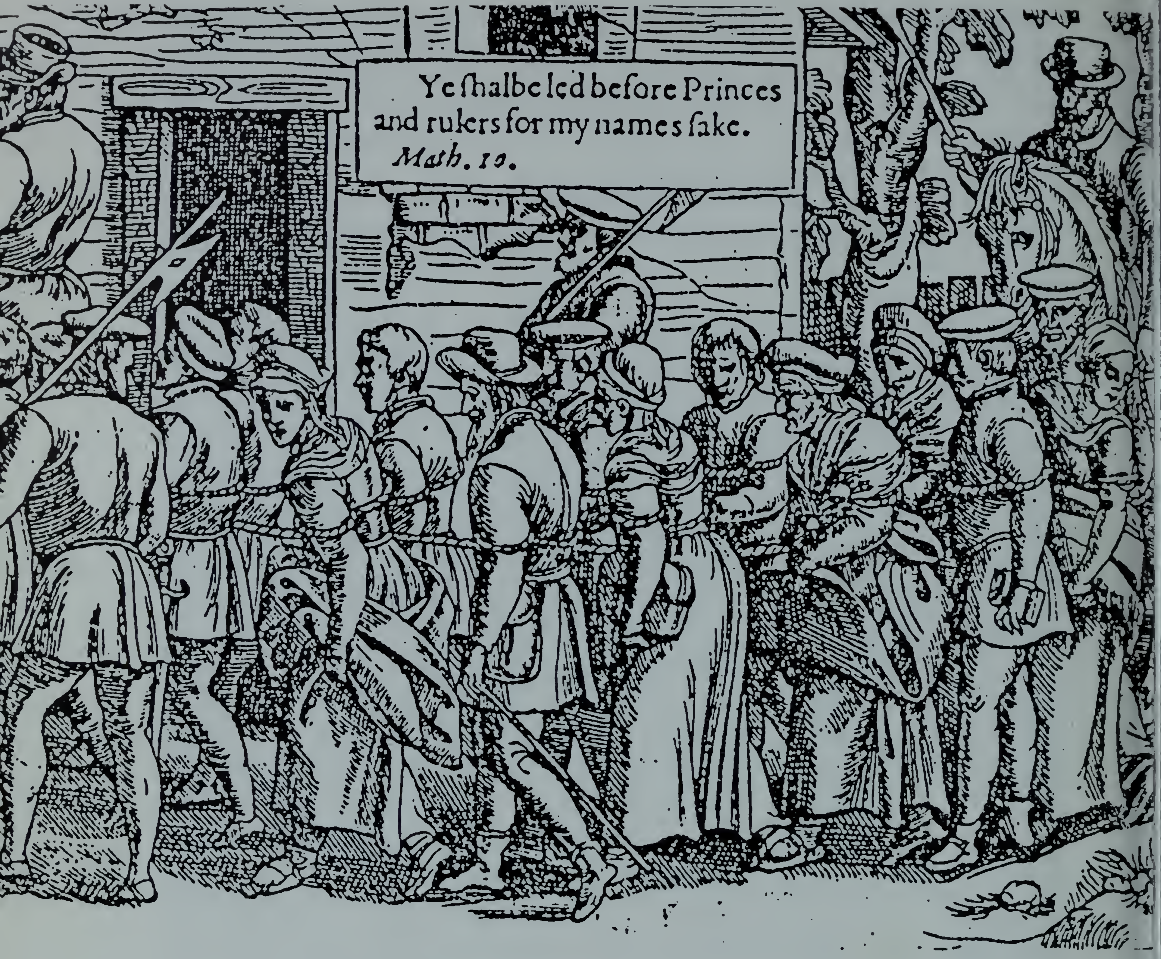
Throughout the Tudor reigns, 'beggars coming to town' preyed on the fears of inhabitants of farms and hamlets. Since there was little work in rural areas they gravitated to the towns where to the alarm of settled society the dispossessed formed an indigent mass of unemployed. Their destitution inevitably led to a steep increase in robbery, burglary, mayhem and thievery, and amongst the women prostitution and pickpocketing, and an enormous rise in brothelry.

Henry VIII's Vagrancy Act was a brutal attempt to move the destitute from parish to parish, a problem which had worsened with the Dissolution of the Monasteries in 1539. Civil disturbance and rioting supplemented criminal activity, constituting a threat to the stability of the throne and authority in general.

Under Queen Elizabeth's Vagrancy Act of 1572 the justices were empowered to '. . . banish offenders . . . to such parts beyond the seas as assigned by the Privy Council . . .' which then meant the American colony of Virginia. Although this measure was rarely used during her reign, it was now enshrined within law. It was then realized that colonizing, apart from enriching the colonial power, provided an excellent destination for social misfits. During the seventeenth century other Acts of Parliament and orders in council broadened the scope of the penalty to include prisoners of war, fire-raisers, the dissolute, petty thieves and Quakers.

Between 1609 and 1618 many hundreds of women were despatched to 'unknown Virginia and the West Indian Islands'. The first recorded shipment to the colony of Virginia was of 'one hundred and forty maids'. Most would have been 'women of loose life' almost certainly taken from the gaols. It was reported that:

> . . . women who were to be transported . . . a chain was fastened to iron hoops about their legs waist or ankles . . . sometimes all three . . . linked to a line so that one could not move without dragging the others . . . adding to their brutalisation . . . transportation was regarded as worse than death . . .


Ye ſhalbe led before Princes
and rulers for my names ſake.
Math. 10.

'Twenty-two godly and faythfull Christians' being led from prison to be transported to Virginia in 1563. They were Puritans.

On their arrival on 11 May 1619 they were sold at a slave auction against their weight in tobacco 'at a fixed poundage for the crop' and fetched between 200 and 600 lbs each depending on age and condition. The next shipment, some weeks later, included 105 women and girls culled from the Marshalsea, Clink and Newgate prisons, and also from the bridewells. Most of them would probably have opted for transportation in the belief that conditions in the new lands could not possibly be worse than in the prisons at home. Later, some would go as the alternative to the penalty of death by burning or hanging then so blithely awarded to many women by sadistic or unconcerned judges. The adage 'while there's life there's hope' applied: in the colonies there was always a chance of something better since the planters bought any labour they could, whether press-ganged, kidnapped, convicted or self-sold, white or black, male or female. These women were, of course, slaves without any rights whatever during the period of their sentence. Very few of the survivors ever returned to their homeland.

A broadsheet ballad 'The Total Rout' (1635) warbles:

> The Turn-hall whores cry they are undone
> and must to Virginia pack, one by one;
> And in truth they'll inrich that beggarly Nation
> for never such Planters came to suche a Plantation.

Turnmill Street in Clerkenwell was an infamous whores-nest, frequently misspelt as Turnbull or Turnhall or anything similar – 'a Turnmill whore' was the ultimate insult.

During the Civil War transportation grew into the systematic disposal of felons and became a virtual branch of the slave trade. The 'transports', as the prisoners were called, were handed over to contractors who also received a bounty from the Government; the contractor shipped his transports to the plantations of Maryland or Virginia, and sold them in the regular slave markets for the highest price obtainable.

After 1642 the Commonwealth Acts reflected a change in public attitudes towards savage and inhuman punishments for misdemeanours, and a reluctance to accept torture and hangings. Many felonies were downgraded to misdemeanours although some penalties were harsh, and errant females were still sent to the bridewells for hundreds of petty offences such as pocket-picking, cheating and bawdry.

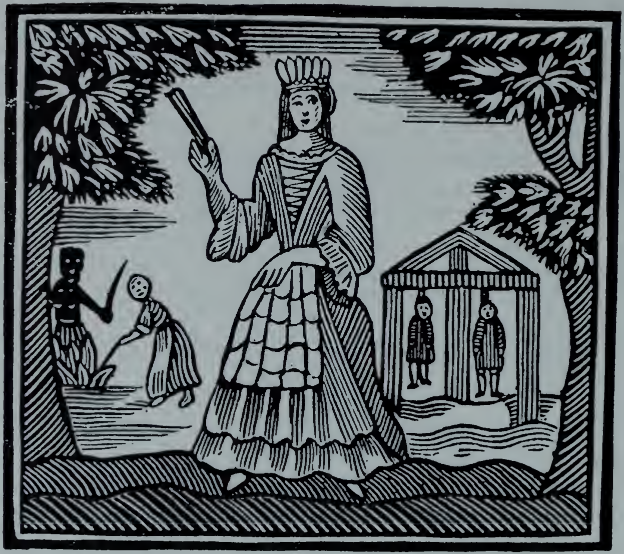
In 1655 the Lord Protector, Oliver Cromwell, sent several groups of women and girls, ostensibly to become planters' wives to America; and in November 1660, with Charles II on the throne it was proposed:

> . . . to send to Jamaica . . . to be planters wives . . . women from Newgate and Bridewell . . . as many as can be spared . . . also poor Maids . . . [because] . . . the planters policy is to give and not receive so that they [the planters] will not require anything with the wife . . .

Nevertheless the women still had to be sold at auction, but whereas in Virginia they were sold against tobacco, in Jamaica they were sold against sugar at (about) £7 apiece. However, in Monserrat in 1698 it was a straight barter of 2,500 lbs of sugar 'per servant, male or female'.

During the reign of Charles II the term 'transportation' was first used in a British statute. The act provided that persons being convicted of certain offences might be pardoned on condition they agreed to be transported overseas. The pardon was granted by the monarch, generally on the recommendation of the trial judge, and transportation was normally for a term of seven or fourteen years, but might be for life. Directions for justices of the peace, published in 1664, stated that:

> such prisoners as are reprieved with intent to be transported be not sent away as perpetual slaves, but upon indentures between them and particular masters to serve in our English plantations for seven years and



'The Fortunes and Misfortunes of Moll Flanders who was born in Newgate. And during a life of continued variety for sixty years was 17 times a whore, 5 times a wife whereof once to her own brother, 12 times a thief, 11 times in Bridewell, 9 times in New prison, 11 times in Woodstreet Compter, 6 times in the Poultry, 14 times in the Gate house, 25 times in Newgate, 15 times whipt at the carts tail, 4 times burnt in the hand, once condemned for life, and 8 years a transport to Virginia. At last grew rich, lived honest, and died penitent.'

> the last three years thereof to have wages that they might have a stock when their time is expired, and that an account be given thereof and by whom they are sent and of their arrivals.

Daniel Defoe's *Moll Flanders* narrates how the eponymous heroine, having been sentenced to death for stealing, lodged a 'humble petition for transportation' from Newgate Gaol where she was awaiting execution. She was transported to Virginia but returned to Britain after her term was served. This novel was written in 1683 when the transportation of criminals to the American colonies was being adopted on a large scale. Formerly the colonial settlers had used Negro slave labour, but the supply of slaves was insufficient for plantation owners' increasing demands.

At this period transportation was arranged by factors – known as contractors – who dealt with the men and women as merchandise to be shifted from one owner to another. They booked the ships and arranged the price with captains or shipowners, budgeting for a 10 per cent 'wastage' – deaths on voyage – which was 'acceptable', but if within the two months duration of the voyage 'wastage', 'wastage' rose to 15 per cent, the contractor claimed he was losing money! It was of course a lucrative business in which a great number of city of London worthies engaged. When there were insufficient transports to meet market demands the contractors were not averse to supplementing the official supply of criminals by kidnapping the unwary in and around the ports and smuggling them on to their ships a short while before sailing.

From 1713 to 1739 one of the principal contractors was Jonathan Forward – the monopolist who must be held responsible for horrific conditions in convict ships during his 'reign'. After him came a scramble to get into the whole spectrum of the slave trade, white and black. To increase the supply of these commodities, young children were bought from poverty-stricken parents or from merchants dealing in the hapless occupants of orphanages.

Circumstances aboard convict ships almost defy description, reaching depths of degradation unparalleled even in English prisons. However, while the men were chained up in rows in the holds in unspeakable filth, the women were allowed to roam the decks and 'carnal promiscuity' became the norm for the crewmen or the occasional aristocrat with money to bribe the captain to sample captive wares. The prostitutes were able to ply their trade or give themselves against small favours, but as they had no rights they were at anyone's mercy; by the end of the voyage most of them were reduced to the level of beasts. And if there had been any virgins among the transports when the ship set sail there were certainly none left by the time it docked.

Queen Anne's Proclamation Against Vice (1712) created even more felons and 'myslyvvers' liable to transportations. By this time there had been a slight change for the better for those women surviving the voyage: females, pure and impure, were eagerly accepted as wives by women-hungry colonists. Indeed in Maryland and Virginia such marriages were a major element in the 'mothering of America'. In Maryland marriage was a preferred option because the fine for fornication was thirty shillings or six hundred pounds weight of tobacco, while the fine for adultery was £3 to 1,300 lbs of tobacco!

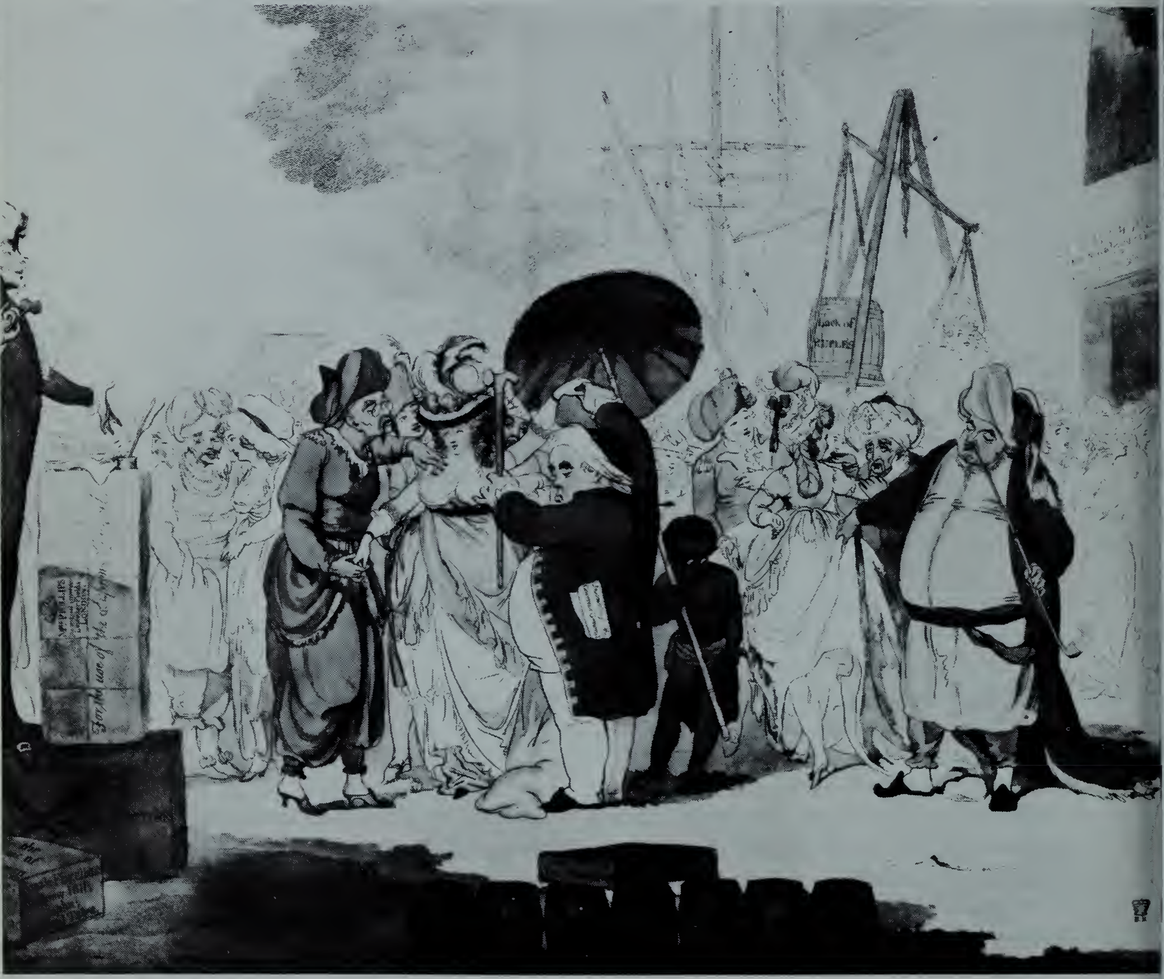
The act of 1718 reaffirming the Transportation of Convicts now made transportation the routine alternative to death. Over the next ten years hundreds of women escaped execution by agreeing to go to Virginia and North and South Carolina. Even a dreadful journey and a hard life overseas was preferable to being burnt at the stake or hanged.

This opinion must have been shared by most of the hundred women 'being ship'd to America' described on a list dated October 1720, and by those on the:

> February 1, 1724 TRUE LIST of Prisoners from Newgate ship'd aboard the ANNE bound for Carolina or Virginia for delivery February 1724: 66 persons of which 30 women

among whom were two procuresses, Elizabeth Banks and Elizabeth Phillips.

There was also the occasional 'volunteer' compelled by circumstances to go abroad. One such was the well-known Mother Sarah Lodge whose services in her elegant premises in St James were much sought after by the nobility, the gentry and even sprigs of royalty. About 1700 she suffered some financial misfortune as the 'Ballad to Mother Lodge' sighs:



Gillray's cartoon of a sale of English beauties in the East Indies, 1786. On the right is a 'warehouse for Unsaleable Goods from Europe'. these were English prostitutes, transported as minor criminals and auctioned on arrival at Madras like cattle. The auctioneer is using as his rostrum a bale of goods marked 'Mrs Philips, the Original Inventor, in Leicester Field, London' and additionally 'For the use of the Supreme Council'. Theresa Philips was famed as the supplier of high-class 'cundums to the Nobility and Gentry'.

> So now what to do in my Decline?
> Visit the New World beyond the Line –
> To the New World . . .

She emigrated to Jamaica, striking it lucky by becoming mistress to a rich planter and 'living like a Nabobess' until her protector died and his heirs stripped her of all her acquisitions and shipped her penniless back to England. There she eked out a living in an establishment in Wapping until she died in 1735 after an unsuccessful attempt to re-enter her former profession.

Another colourful character packed off to the West Indies was Teresia Constantia Phillips, a goddaughter of the Duchess of Bolton. Teresia had engaged in part-time whoring in France and England, but was famed for her shop in Half Moon Alley (now Bedford Street) in the Strand where she sold the nobility and gentry *cundums* in silk purses tied with blue and yellow ribbons. In her spare time she engaged in a little embezzlement and attempted blackmail of the Earl of Chesterfield, meanwhile managing to marry Henri Muilman, a respectable Dutch merchant. She cuckolded her husband so shamelessly he actually paid her to go to France. She returned to London where her behaviour landed her in Marshalsea Prison several times so that finally it was Muilman, and not the authorities, who packed his wife off to Jamaica. There, she 'married' twice – each time for money – and was twice widowed, dying in 1765 'unlamented by a single person'.

It was comparatively easy to be dragooned into transportation. There is an extraordinary account of a woman of Much Park, Coventry, who one morning in 1722 came in to Coventry to do some shopping and was detected stealing cloth:

> she was arrested, taken before the Magistrate in Cross Cheaping, committed to the Assizes where the Judges were in session, tried that same afternoon, found guilty and condemned to death – all within seven hours of the offence. The sentence was then commuted to transportation . . .

Many transports took with them everlasting mementoes of English justice, branded on their flesh 'with a hot burning iron'. In 1720 Jane Clarke, convicted of several 'Thefts and Larcenies' was transported for seven years after 'the proper Officer kiss'd the hand with a red hot iron'. The following year Isabella Champman who had helped John Fielding steal twelve sheep was burnt in the hand and whipped before her seven-year term of transportation.

From 1745 onwards shiploads of women were being sent to Pennsylvania, arousing great resentment in Puritan breasts and prompting Benjamin Franklin in his *Pennsylvania Gazette* of 9 May 1751 to suggest as a *quid pro quo*:

> Send Rattlesnakes to be distributed in St James Park, in the garden of the Prime Minister, the Lords of Trade, and the Members of Parliament!

His protest went unheeded and such exports continued unabated, although not always without arousing disquiet about the severity of a sentence. One such in 1754 was Elizabeth Canning. She lived with another girl, Vivian Hall, in a house of ill-fame kept by Mrs Susannah Wells at Enfield Wash – a suburb in North London. Both swore they had been robbed by the Olde Gypsey, otherwise Mary Squires, in consequence of which Mary Squires was found guilty and executed and Mrs Wells was branded in the hand and given six months in gaol 'for concealing the Old Gypsey for twenty-eight days after the felony was committed'.

Shortly afterwards, however, Vivian confessed she had never even seen Elizabeth 'until she was brought to Mrs Wells by some Gentlemen . . . and her testimony against the Olde Gypsey was entirely false'. Seventeen-year-old Elizabeth Canning was then arrested for perjury and tried at the Old Bailey but owing to the complexity of the case the jury returned a verdict that 'she was guilty . . . but not of wilful and corrupt perjury'. The judge insisted the jury 'must either acquit or find her guilty as charged' and sent them out. They returned with a verdict of guilty, whereupon Elizabeth was sentenced to one month's imprisonment in Newgate and 'transportation for seven years to America'. This decision caused uproar. Representations were made by eight aldermen and the city member of Parliament, as well as members of the nobility, to have Elizabeth's sentence commuted to six months imprisonment. Meanwhile in Newgate she contracted jail fever. All efforts failed to change the course of justice, and on 17 July the court instructed a contractor – the usual one, Mr Stewart coming under great pressure to refuse this particular consignment – and on Wednesday 7 August 'she was embark'd upon the *Myrtilde*, Captain Budden, bound for Philadelphia'.

It is interesting to note how much the population of some American states depended on the arrival of such as Elizabeth. In 1764 a contractor reported that in Maryland alone there were 386 women 'being twenty-six per cent of all women convicts'. Later the same contractor testified that 'between 1760 and 1780 more than one-seventh of all transported had died on the voyage . . . but women were only half in proportion because they were . . . less impar'd by Drink.'

Another noteworthy case involving perjury occurred in Newcastle in August 1766 when Jane Grey was accused of uttering a forged £5 banknote. She accused her lover, James Jameson 'with whom she cohabited' of being the forger but, then realizing this meant he would be hanged, withdrew the evidence she had given on oath. Jameson was acquitted on 1 December 1765 and released, and Jane was then arrested and charged 'with perjury to take away the life of a man who was innocent'. Before transportation, she was sentenced to be 'exalted' on a temporary pillory erected on the Sandhill for one hour at midday on 2

August 1766. This pillorying was attended by 6,000 people 'who behaved with great decency and humanity towards her'. Not all behaviour was exemplary, since many pickpockets 'were very dextrous' and several spectators lost their pocket handkerchiefs, prime targets for eighteen-century thieves. In evidence it was discovered Jane Grey was 'most famous in Highbridge for her excellent mutton pies', so that at the end of the seven years when she returned to Newcastle and resumed her old occupation, enhanced by the notoriety of her transportation, 'she had a greater demand than before!'

In the annals of so much misery there are a few lighter incidents. In 1771 Sarah Wilson, a lady's maid to the Honorable Miss Henrietta Vernon, a maid of honour, filched a valuable jewel. For this crime she was sentenced to death, but her mistress intervened and sentence was commuted to transportation. On arrival in Maryland in August 1771 she was bought at auction by a planter, but shortly afterwards decamped, first to Virginia and then to South Carolina, where she thought herself safe. Knowing the ways of the court and cashing in on the general ignorance of such exalted matters by the settlers, Sarah assumed the title of 'Princess Caroline' claiming to be a sister of the queen; in proof whereof she wore a medallion of the queen (the object she had misappropriated) which testified to the authenticity of her claim. She behaved in the most regal manner, wore fine clothes, and was invited into the homes of the gentry – to whom she accorded the honour of kissing her hand. But the indignant planter was determined to regain his property, and eventually his 'RUNAWAY SLAVE' advertisement caught the eye of some ill-disposed person, who revealed Sarah Wilson's whereabouts. She was unmasked and conveyed back to serve her time. Sarah's ultimate fate is unknown, but it seems unlikely such an inventive spirit would suffer indignity for very long.

Sometimes a transport's noble name and birth were not assumed, such as the Honorable Elizabeth Greene sentenced in October 1774 to seven years overseas 'for defrauding diverse persons'. Due to her exalted rank 'she made the voyage in great style'.

The total number of females estimated to have been transported to the Americas in the eighteenth century exceeded 30,000 excluding those who went as 'free emigrants'. Large numbers were still being shipped in 1776, but after the 'Peace' of 1783 and the recognition of American independence, another consignment was sent out only to be refused entry and returned to England. By 1788 in Virginia such imports were declared illegal.

In 1785 a Parliamentary committee surveying this early system of transportation concluded smugly:

> it answered every purpose that could be expected from it; in addition to reclaiming the prisoners and rendering them good citizens it was not attended with very much expense to the public, the convicts being carried out in vessels employ'd in the Jamaica or tobacco trade . . . for many years the government paid £5 a man and afterwards no premium at all, the contractor being indemnified by the price at which he sold their labour.

While popular opinion used to claim that all Australians had convict ancestry, the American historian, Walter Blumenthal, has observed that many Americans can find convicts among their ancestors if they dig deep enough.

Britain's official contribution to American womanhood ended on 6 December 1786 when George III signed the Act for the Transportation to Australia – East Coast and Adjacent Islands thereby inflicting upon the unlucky aborigines of that continent much the same benefits as were thrust upon the American Indians.

It was fortunate for the British penal system that Captain Cook discovered New South Wales in 1770 so that as one door was firmly shut on British transports another was opened to receive them. A large section of public opinion held that if criminals were not all to be disposed of by the rope then they should be sent as far away as possible, and their labour could be most usefully employed in developing recently discovered Australasia.

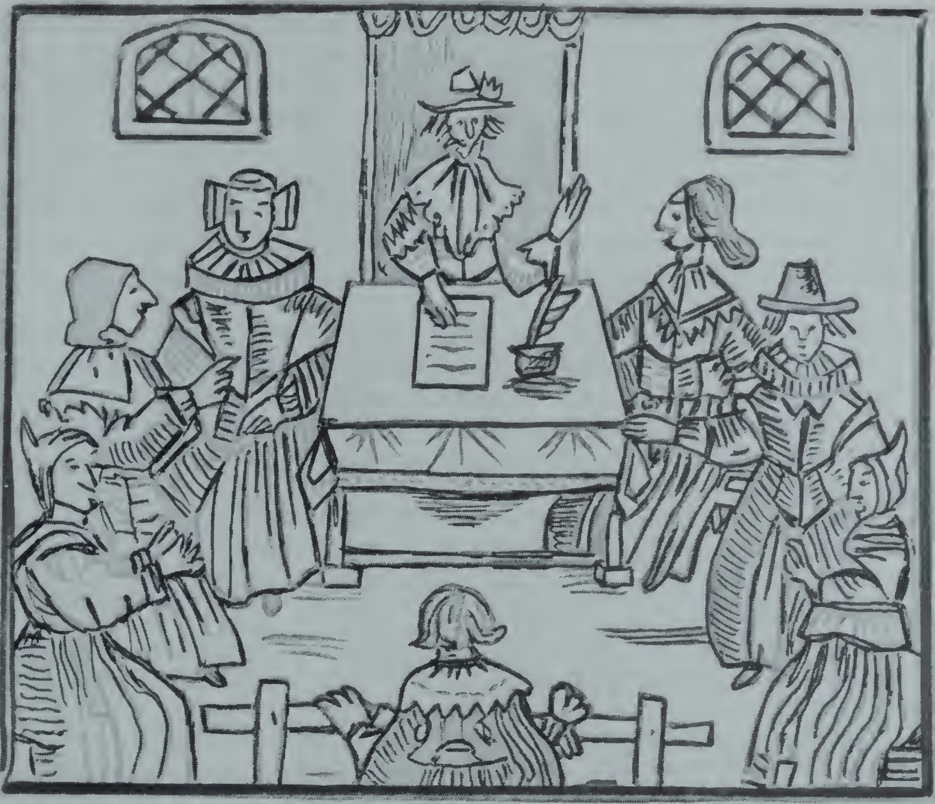
From 1787 onwards convict ships set sail for New South Wales on a regular basis. After a ten-month voyage the human cargo which landed at Port Jackson was more dead than alive. Indeed many convicts did not survive the atrocious conditions aboard.

Their plight was graphically described in 1790 by an eyewitness, the first Anglican chaplain in New South Wales, the Revd Richard Johnson:

> I beheld a sight truly shocking to the feelings of humanity, a great number of [prisoners] lying, some half and others nearly quite naked, without either bed or bedding, unable to turn or help themselves . . . the smell was so offensive I could scarcely bear it . . . Sometimes for days . . . up to the middle in water, chained together, hand and leg – even the sick not exempted . . . many died with the chains upon them . . .

The early system in Australia saw great abuses in the treatment of female convicts, the majority of whom were under thirty-five and unmarried. The only women spared transportation were over fifty, and mothers being transported had to leave their little children in England. Later, they were permitted to keep with them those under seven. At night, female prisoners were locked in the holds of the ships, but were allowed on deck during the daytime.

Male convicts outnumbered females by three to one reflecting the lower female crime rates. Figures from eighteenth-century southern England show that women accounted for 20 per cent of criminals. Most of their crimes were committed in urban areas and concerned petty theft. About 65 per cent of the female convicts in the first fleet to Botany Bay were former domestic servants, girls who had come to towns to find work. Away from the constraints of family and village and faced with uncertain employment they fell easy prey to dishonesty. Possibly 20 per cent of all female convicts had at some time been prostitutes, and in this new country unskilled women had little choice but to rely on some kind of sexual transaction with their gaolors.



A woman in the dock before a court, 1662. This probably represents neighbours testifying about a prostitute or a scolding neighbour.

Directly the transports anchored in Botany Bay, the commissioned officers came aboard to select the best-looking female convicts. Next the non-commissioned officers were allowed their pick. After them the privates. Only lastly were convicts, who had been in the country some time and procured Governor's permission to do so, allowed their choice. Until 1804 when the colonial government established a factory for female convicts not chosen to be domestics or 'marriage' partners, the remaining women were 'generally concerned in every artifice and villainy'.

Towards the end of the eighteenth century public conscience, such as existed, was beginning to manifest opposition to the death penalty for trifling offences, but, given the reports from Botany Bay and the hellhole conditions aboard convict ships, many offenders were afraid to accept transportation even to save their skins.

An incident exemplifying this terror occurred in 1789 at the Old Bailey when a young girl, sentenced to death for some petty crime, was offered the alternative of transportation, and vehemently refused it, despite the judge's own pleading. It was customary then for the great ladies of the court to attend the Old Bailey and sit next to the judge on the bench –

more as a social occasion than from any sincere or educated interest in justice. At this particular trial the Prince Regent's morganatic wife, Mrs Fitzherbert was present with a coterie of noble ladies. All joined in pleading with the girl to accept transportation which option she steadfastly refused, saying that 'she would rather die'. The atmosphere became so fraught that the court was reduced to tears. The judge adjourned the trial, and Mrs Fitzherbert and her ladies went down to the cells to renew their pleading with the prisoner. Only after several hours' entreaty did the girl relent. Everyone returned to court, and tears were dried amid sighs of relief.

The utter desperation felt by women convicts is reflected in their behaviour on the eve of transportation. It was not unusual for groups of them to stage a virtual riot, smashing anything they could lay hands upon. In the morning this violent behaviour would continue outside the prison before crowds of onlookers as the transports were herded into the open wagons which conveyed them to Deptford where the convict ships were moored. Elizabeth Fry and her Ladies' Committee managed to quell these unruly scenes, and proved that treating Newgate women with dignity brought out the best even in the most hardened cases. In return for persuading the keeper to allow the convicts to travel in closed hackney-coaches escorted by turnkeys and members of her committee the prisoners gave her their promise not to run amok on the eve of their departure.

Mrs Fry often accompanied these coaches, and would read aloud a Bible extract to the prisoners assembled on deck, and lead them in prayer before departure. She also lobbied for the women to be placed in the charge of a matron instead of being under the care of sailors throughout the voyage. To ensure female transports were not idle during their many months at sea the Ladies' Committee organized them into sewing and patchwork groups before the ship sailed.

Occasionally, a female convict encountered a fate far better than anything she might have expected. In 1786, Ester Abrahams, a fifteen-year-old Jewish milliner from London, was sentenced to seven years transportation for theft. Aboard one of the ships of the first fleet she met Lieutenant Johnston. Ester became his 'wife' when they landed in Sydney, and their relationship was evidently a lasting success for they were legally married in 1814, and on his death in 1823 he left her his estate in Annandale.

Sentences of transportations for women committing petty theft continued into the first half of the nineteenth century. At Hastings in 1800 Elizabeth Aylesbury:

> Wife of a sailor, for stealing one Cotton Purse – value one half penny, 13 pieces of Gold Coin of the Realme call'd Guineas of the vallue of £13.13.0d . . . and a half Guinea . . . and 4s.0d piece: sentenced to transportation for seven years . . .

In April of the following year at the Lent assizes in Salisbury a case with unusually heartwarming details occurred when Elizabeth Osbourne, aged twenty, was sentenced to seven years transportation for stealing a £5 note from the drunken mistress of a local dwelling house. While in the gaol at Fisherton she met Anne Smith, an older and more experienced woman, who persuaded her to petition George IV, for release. This good-hearted but illiterate woman then wrote to His Majesty as follows:

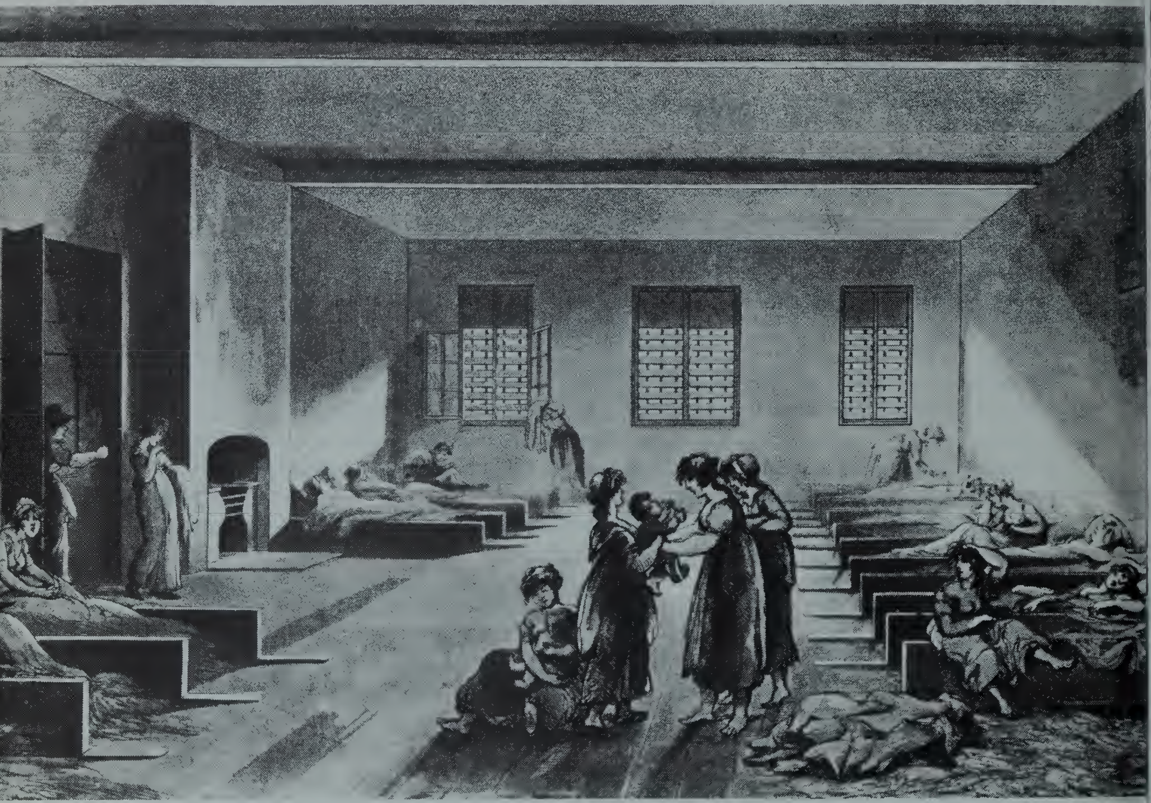
> For the Kings Most High
> and Royal Majestey
> Winser Palyes
> are eals wear
> London
> with speed.
>
> Salisbury Aprel the 4
>
> I have Sant to your Majestys Royal person the Carater of A young woman that is under Sentnes of transporttashon For sevan year Bagin your Royal Majestys pordon to Reblate the young woman From Transporttashon and sand she to the Old Bridwl prison at Devizes for oNe year ar too wich your Majesty plase for indeade my Lord She is a Rale Beuty and She Bore a exclente Careter all except goin to prison So i ope your Majesty will take it in to Consershon and have Compashon on the poor young woman and i ope your Majesty will Consider She is but young and in prisonment mite do She good at the old prison for it is owing to the misscondok of the landlady been toxedcated in liker and She Bore a hell Careter but Elizabeth Ogborn the prisner Did Not Now eany thing of Shes Careter so i ope your Majesty will Consider the young woman a lone as she and her Franes bear a exclant good Careter and they ear all respetale popel and i have Nown the young woman this teen years for She was Prentes to Me 4 year and She all ways Beved with grate sovelty to Me and all My domestices and She was Greatly Admired by all the house Not with standing Every dissemilitude of manners and i Cane se by Exprances that She Never will desplease your Royal majesty after this time if your Royal Majesty will be plasded to take it in to Considershon and sand she in to the Old prison at Devizes if your Royal Majesty will please to sand to Mr. Downding the Governer of Solisloury Gaol wilts I ham your Majestys sirvent
> Ann Smith Milner & drase Maker.

Her claim that Elizabeth had been her apprentice was in fact untrue as also the claim about her own 'domestices', but at least she was doing her best for her young 'fran'. The outcome of this attempt is, unfortunately, not known.

In November 1810 Mary Jones and Elizabeth Paine were transported for seven years for shoplifting in the Sadlers Wells area of London during a riot caused by 'a cry of Fire' at the theatre when eighteen members of the audience were killed. Miss Jones's sister, Elizabeth Luker, one of the instigators of the riot was heard screaming 'We don't care' when she was sentenced to fourteen days imprisonment in

Newgate – although this would seem to have been a lenient sentence given the circumstances.

In 1825 at Hastings, Anne White, a married woman, was transported for seven years for 'obtaining three packs of Playing Cards worth 15s. from George Wooll, saying that some nearby Ladies had sent her'. In 1835 in Lancaster Anne Thompson was sentenced to transportation for life on 10 April 'for stealing goods to the value of £5 from a house in Wood Yard'.

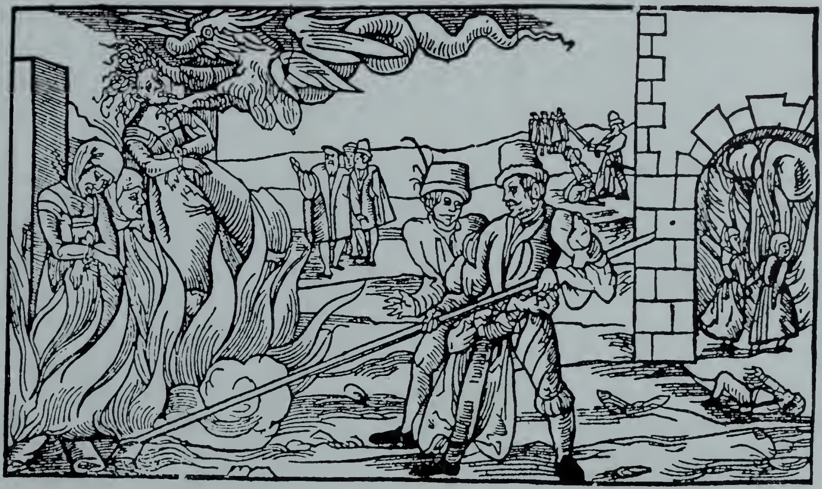


The Bridewell prison in the Fleet, about 1700. This is a sanitized impression. The reality was a filthy rundown place of incarceration for men and women of evil life.

When comparing these examples of crimes it is impossible to comprehend the reasons governing the length of sentences. Although the Penal Servitude Act of 1857 abolished transportation, for women this particular ordeal ended in 1852.

11 Witches

Perilous Objects



Burning witches. From a broadsheet describing a witch-trial, 1555.

> Woman is the Gate of the Devil, the path of wickedness, the sting of the serpent – in a word, a perilous object.
>
> St Jerome of Istria (347–420)

It is impossible to record the history of female punishment without reference to witchcraft since those accused of this crime were chiefly women. However much society managed to control its female members through law or custom there remained an underlying suspicion and fear that the weaker vessel was corrupt and open to the blandishments of the Devil, and might by demonic power overturn the authority of Church and state.

Across the centuries innumerable women suffered indignity, torment and death on the basis of accusations which owed everything to superstition, prejudice and downright lying.

The statutes against witchcraft were finally repealed in 1736, but apprehension that the female might employ unfair means to trick the male persisted and Parliament passed a statute in 1770 whereby women incurred the same penalty as witches for entrapping husbands by such devious arts as 'scents, paints, cosmetics, washes, artificial teeth, false hair. Spanish wool, iron stays, high-heeled shoes or bolstered hips'.

'Women, I warn you, are no longer to be trusted', Homer had written in the *Odyssey* at least 2,500 years earlier, and such opinion remained entrenched.

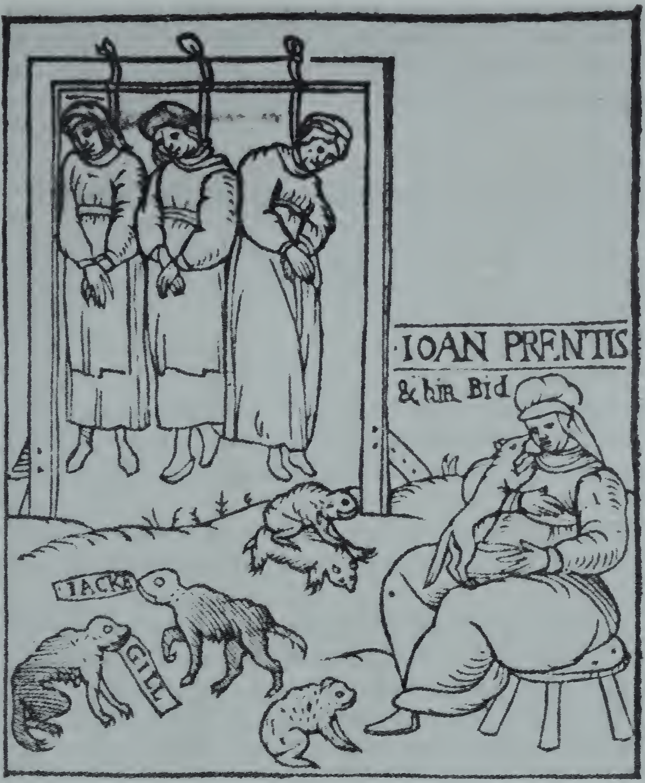
How the belief arose that woman, the mother and nurturer, was also woman the destroyer and spoiler suggests a primeval fear of feminine influence. From the beginning humankind lived in terror of everything that could neither be understood nor controlled. To survive and flourish it was necessary to propitiate whatever was believed to ensure fertility. Woman was the centre of life. That her body bled on a regular basis without suffering any hurt must have seemed powerful magic; before sexual intercourse was linked with the later emergence of a miniature human being, procreation was seen as the special power of women working in conjunction with such agencies as the wind, the river, or even eating beans.

The desire to assist such power by practising magic through charms, incantations and ritual antedates formal religion; and is apparently world-wide with women healers and priestesses playing significant roles in most ancient cultures. When death, disease or disaster struck the cause was located in a converse power of evil. Women, with access to so much power, might be suspected of using it for negative as well as positive ends. Greeks and Romans linked witches with death, darkness and night. The moon goddess Selene, Hecate or Diana, was the deity most often invoked by witches, since she ruled ghosts, tombs, blood, dogs, terror, night and cross roads. Diana and her night-riders rode abroad accompanied by legions of ghosts. Greeks, Romans and even the early Jews believed such night-riders were associated with female cannibals and vampires, so that the folklore image of the witch flying on her broomstick has classical origins.

The Biblical references are not to witchcraft but to sorcery and divination. 'Thou shalt not suffer a sorceress to live.' (Exodus 22: xvii) should rightly refer to a female diviner. The 'Witch of Endor' consulted by Saul (1 Samuel 28:7) was such a diviner, probably a medium; her familiar was a spirit that prophesied from her lips. By legislating against false prophets, Judaism fought against being tainted by the oracular customs and female priesthood of neighbouring religions.

King James I's translators of the English Authorized Version of the Bible validated the Act of 1604 'against conjuration, witchcraft, and dealing with evil and wicked spirits' by transforming the Hebrew and Greek terms for sorcery into seventeenth-century language to create a Christian witch whose 'familiar spirit' was a personal demon disguised as some little animal.

English witch trials abound with references to these creatures, all sounding remarkably like domestic pets, and witches demonstrated typical English affection for these animals. Ursula Kempe, one of the pathetic women to be hanged for witchcraft, following the St Osyth Witch Trials in 1582, confessed to having four spirits:



Hanging of three witches at Chelmsford, Essex, 1589.

> . . . one he, like a gray cat, is called Tittey; the second, like a black cat, is called Jack; one she, like a black toad, is called Pigin; and the other, like a black lamb, is called Tyffin . . .

Mother Ursula Kempe nursed and 'unwitched' the sick with 'incantations'. When Grace Thorlowe refused to allow her to nurse a newborn daughter, which subsequently fell out of its crib and broke its neck, Ursula was suspected of witchcraft.

At the trial her eight-year-old illegitimate son was encouraged to recount fantastic tales about his mother, and with hollow promises of leniency Judge Darcy compelled Ursula to retract her denials. Not only did she embellish her son's account but named four other St Osyth women as witches. They in turn named others. Fourteen poor, ignorant and somewhat disreputable women were thus implicated in 'bewitching to death' people and cattle. Of these, Ursula Kempe and Elizabeth Bennet, were hanged for causing death by bewitching. Almost all these so-called St Osyth witches 'possessed' familiars in the form of dogs, cats or birds.

Not only did such familiars appear in the testimonies of superstitious and terrified women or their malicious and imaginative accusers. On 25 March 1645 that 'unmitigated scoundrel' Matthew Hopkins, the notorious Witch Finder General, swore on oath how, while watching his 'first discovery', Elizabeth Clarke, a one-legged old woman, he had forcibly kept awake for four nights, he witnessed come to her cell:

> Holt, who came in like a white kitten
> Jamara, who came in like a fat spaniel
> Vinegar Tom, who was like a long-legged greyhound, with an head like an ox, with a long tail and broad eyes
> Sack and Sugar, like a black rabbit
> News, like a polecat

Thus, old Mrs Clarke was convicted 'of entertaining evil spirits' and hanged. So, at the same Chelmsford sessions, were seven other women, indicted not with murder or causing damage but with entertaining imps who appeared in the form of a squirrel, a cat, mice, a mole. Bridget Mayers, a seaman's wife, who pleaded not guilty, was accused of entertaining on 6 May 1645 an evil spirit in the likeness of a mouse called 'Prickears'.

Probably the first legislation against witchcraft in Christian Britain occurred in the *Liber Poenitentialis* of Theodore, Archbishop of Canterbury (668–90): the penance for divination being a prescribed time of fasting. *The Confessional* of Ecgberht, Archbishop of York (735–66), provided that any woman slaying by incantation must fast seven years. Two centuries later under King Athelstan's law the secular penalty was death for murder by any means including witchcraft. At the end of the tenth century a law of King Aethelred exiled witches along with whores. As with other crimes a woman accused of being a witch could claim trial by ordeal: Agnes, the wife of Odo, the earliest known person accused of sorcery in England in 1209 was freed after the ordeal of grasping a red-hot iron.

Between the tenth and the thirteenth centuries the *Canon Episocopi* contained the European Church's official ruling on witches. It declared the whole business of witchcraft to be nothing more than a delusion. However, it exhorted churchmen to eject from the community anybody persistently engaging in sorcery. In Anglo-Saxon and medieval England witchcraft was regarded as a crime against man and differed from later complex concepts of a conspiracy to overthrow Christianity, involving a compact with the Devil. Up to the beginning of the sixteenth century, while punishments were harsh, the crime itself was not serious: the standards of evidence, the rules of trial and the penalties tended to be like those for any other anti-social act. In the early regulations witchcraft involved a specific malicious act which could be seen and proved. What witches did mattered, not what they thought they did. Witchcraft meant evil-doing: damage to crops or cattle caused by spells, poisons, or storm-raising; and harm done to people, ranging from sickness and sterility to death.

Among an illiterate peasantry, never totally dominated by Church orthodoxy, remnants of paganism persisted to become part of folklore jumbled up with Christianity. When prayer to the Christian God failed, the help of the wisewoman might be sought, as had been the custom from time immemorial. In many regions she provided the only source of midwifery and healing for humans and animals, using herbal and other concoctions and muttering vaguely Christian prayers. However, when a cure went awry, or person or beast died, or the crops were blighted, or a man failed to achieve an erection, she would be the first person blamed for using magic against her neighbours, because she was known to have certain 'powers'.

Until around the close of the thirteenth century, suspected witches were usually tried in an ecclesiastical court and referred to the secular court for punishment. In the fourteenth and fifteenth centuries the accused might be tried in a Church court, local court, or the superior court. In practice conviction carried a relatively light punishment and few suffered death.

Unfortunately for European thought in the fifteenth century, in an attempt to destroy any sect which threatened Christianity's overall control of society the Church decided to equate sorcery with heresy.

In 1484 Pope Innocent VIII issued his *Bulla Summis Desiderantes affectibus* (Desiring with the most profound anxiety) directed at those who impeded the work of the notorious pair of Dominican witch-hunting inquisitors, Jacob Sprenger and Heinrich Kramer by asserting that witchcraft was not practised in the areas and therefore the Inquisitors had no legal right to exercise their powers. The printing-press ensured Innocent's bull wide circulation particularly as it formed the preface to Sprenger's and Kramer's infamous *Malleus Maleficarum* (The Hammer of Witches) which became the witch-hunters' bible for Catholics and Protestants alike. Among the 'facts' this 'authoritative' work disseminated was how witches were able to deprive a man of his penis:

> witches . . . collect male organs in great numbers, as many as twenty or thirty members together, and put them in a bird's nest, or shut them up in a box, where they move themselves like living members, and eat oats and corn . . .

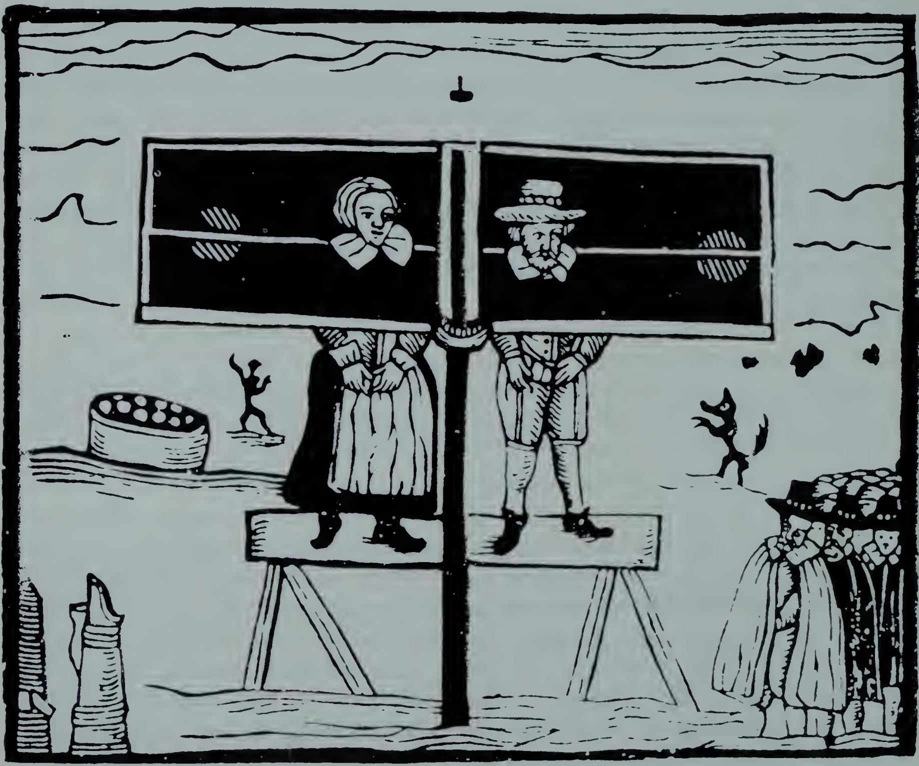
The 1484 bull revoked the *Canon Episcopi* by declaring as real broomstick-flying, consorting with demons, self-transmogrification into animals, intercourse with Satan's imps and demons, and copulation with the Devil. The women tortured into 'confessing', in terms suggested by their examiners, always said coition with Satan was very painful because his penis was enormous, scaly and rock-hard – even shod with iron upon occasion – and his semen was icy cold. The bull effectively silenced opposition and scepticism on mainland Europe, and made the pitiless fight against witches and the Devil the duty of all law-abiding Christians for 300 years, opening the way for the sadistic to unleash their wildest fantasies in the name of God.

By 1467 when hundreds of witches had been burned in Europe, those convicted of fortune-telling in England would only have to appear in public with a scroll on their head. Under later laws they would be hanged. However, those within court circles dabbling in sorcery faced much harsher treatment, since their actions had political implications. To burn an effigy or to seek to discover the life expectancy of the monarch through divination equated with treason; prophesy of a royal death might well provoke factionalism and rebellion.

Women accused of involvement in such treasonable acts include the dowager Queen Joan in 1417, the Duchess of Gloucester and Margery Jourdain in 1441, the former Queen Elizabeth Woodville, Jane Shore and the Countess of Richmond in 1483, and the Countess of Lennox in 1562.

In 1541 Henry VIII passed an act which made it a felony, and consequently triable by the secular courts, to practise various kind of conjurations, witchcraft and sorcery 'to consume any person in his body, members, or goods; or to provoke any person to unlawful love'. This act, never invoked, was repealed after the king's death.

The persecution of witches came to England much later than to other European countries. In an age of unqestioning faith the Devil is not



Two pretended fortune-tellers in the pillory.

much deemed to cause harm because he is always defeated. Witch-hunting epidemics occur when fresh learning and values begin to undermine the old order. Established authority, recognizing the threat to its supremacy, blames a variety of evils beyond its ability to control in terms of diabolical influence.

In England these doubts became widespread during the reign of Elizabeth I; pressure from churchmen ensured the Devil was an acknowledged factor in the laws of the state. In 1563 the queen revised and amended her father's act because it was alleged its repeal had caused an increase in the practice of witchcraft. Physicians, opposed to wisewomen, welcomed the new act which accorded the death penalty to users of sorceries, enchantments, charms and witchcrafts by which victims were killed. Were the victim only 'wasted, consumed or harmed in his body or member' or his goods and chattels 'destroyed, wasted, or impaired' the penalty was reduced to six hours in the pillory and a year's imprisonment for the first offence, and death for the second. The same penalty applied even where sorcery or witchcraft had been used for a love-charm, and nobody had suffered any physical ill. The penalty was not always harshly exacted: in 1582 Allison Laws, a notorious sorceress, was sentenced to do penance 'with a paper on her head' in Durham's market-place.

In England and its American colonies, unlike Scotland and the rest of Europe, witches as such were never officially burned at the stake: they were hanged. Under English law burning was the penalty for treason and petty treason. The popular misconception that English witches were burned may have arisen from the title of a pamphlet 'the Confession of Mother Lakeland of Ipswich who was arraigned and condemned for a witch and suffered death by burning at Ipswich in Suffolk on Tuesday 9th September in 1645'. Mother Lakeland, witch or not, was burned for petty treason – murdering her husband.

Most English witch trials demonstrate that accusations against women emerged from simple accidents, annoyances or village feuds. Problems in brewing, baking and churning were attributed to a neighbour's evil machinations. One of the St Osyth witches, Elizabeth Bennet, was alleged to have killed the man who refused to sell her milk and called her an 'old whore'. Once a woman was accused of witchcraft it was usual to regard any local accident or sickness as being her malign handiwork, and neighbours were swift to point the finger of accusation. Fear, supersition and malice could be relied upon to embellish the evidence.

> Marie, wife of Henry Smith, glover, possessed of wrathful indignation against some of her neighbours in regard they made gaine out of their buying and selling cheese which shee could not do . . . oftentimes cursed them . . .

Several of those cursed became mysteriously ill, and this was sufficient to condemn Marie Smith as a witch and hang her in 1616.

Among the most disturbing features of many witchcraft trials was the court's acceptance of young children's so-called evidence (fourteen being the legal minimum age in other kinds of trial). It was the testimony of twelve-year-old Agnes Brown that assisted Mother Waterhouse to become the first woman definitely known to have been hanged for witchcraft in England on 29 July 1566. The event is vividly recorded in a pamphlet 'The Examination and Confession of Certain Witches at Chelmsford in the County of Essex before the Queen's Majesty's Judges, the 26th Day of July, Anno 1566'. This was the first notable witchcraft trial following Elizabeth's new act. Over the next two hundred years many similar sensational pamphlets were circulated recounting the deeds of witches and their trials. Hardly surprising then that the proof of witchcraft began to follow a pattern which everybody from prosecution to accused had learned to expect.

The 'Certain Witches', then arraigned, three women from the village of Hatfield Peverell in Essex, were Elizabeth Francis, Agnes Waterhouse and her daughter Joan who was found not guilty. The only link between them was an ancient cat called Sathan which Elizabeth gave Agnes who reputedly transformed it into a toad when she needed the wool lining its box. Elizabeth Francis, convicted for a series of bewitchments, suffered two terms of imprisonment, and several appearances in the pillory, but was eventually hanged in 1579 for bewitching Alice Poole to death.

Agnes Waterhouse, a 63-year-old widow, was accused of bewitching to death William Fynse who died in 1565. She did admit attempting to murder another neighbour (whose strength of faith prevented her hurting him) and various spiteful acts against livestock with Sathan's assistance. Another damning admission was reciting her prayers in Latin, something she must have had to learn as a child under Catholic Queen Mary. However, Agnes Brown provided more substantial evidence: she had seen Sathan change itself into a black dog with horns and an ape-like face. Even more remarkably the animal could lock and unlock the milkhouse door, and speak, admitting he belonged to Mother Waterhouse.

No matter how bizarre the allegations made by children, the accused would have to answer to them at her trial. In 1592 at the village of Warboys in Huntingdonshire, the five disturbed daughters of the wealthy and influential Throckmorton family sent three innocent people to their death, although the responsibility must lie with the learned gentlemen who believed juvenile fabrications. The girls threw fits, declaring these were caused by a poor. 76-year-old neighbour, Mother Samuel, whose witchcraft had caused the death of Lady Cromwell, the most important lady in the region. Not surprisingly the more attention was paid the children the taller were their stories, which soon implicated Mrs Samuel's daughter, and her husband John Samuel. Keen to jump on the witchcraft bandwagon others in the neighbourhood reported sickness and death among their livestock.

On 5 April 1593 at Huntingdon a jury took five hours to find the Samuel family guilty of 'bewitching unto death the Lady Cromwell' over a year previously. Apparently Mother Samuel 'confessed' adding that the devil 'had carnal knowledge of her', a claim that many a tormented old woman admitted under duress, and one of the proofs of guilt her questioners seemed to expect. Agnes Samuel, being pregnant, was urged to plead her belly. Courageously she refused, affirming, 'Nay, it shall never be said that I was both a witch and a whore'.

After execution the jailer stripped the bodies, and found upon Alice Samuel a witch's mark 'a little lump of flesh . . . as if it had been a teat . . . adjoining to so secret a place which was not decent to be seen'. The jailer's wife pumped this growth, and the couple claimed that something like clear milk, followed by blood, issued forth, proving it a teat with which Mother Samuel fed her familiar.

The significance of this trial hinges on the espousal of such evidence by the influential and educated, since it confirmed popular superstition among many of those involved in making and implementing laws, allowing judges to accept the most unsafe evidence. Printed accounts of *Warboys Witches* also stimulated the disturbed imaginations of other young accusers in later trials.

Another adolescent delinquent to bring misery to harmless old women was the Boy of Burton, Thomas Darling. On 27 February 1596, the fourteen-year-old was briefly lost in Winsell Wood, and returned home to suffer fits, during which he claimed to see 'a green cat and green angels . . . a man come out of a chamber pot, flames of hell, and the heavens open'. Although the doctor diagnosed worms, Thomas overheard the possible alternative of bewitchment, so over the next few weeks he threw more fits and proffered an explanation of his bewitchment.

During that walk in the woods he had broken wind as a 'little old woman with . . . three warts on her face' passed by. To bewitch him, the crone had recited:

> Gyp with mischief and fart with a bell,
> I will go to heaven and thou shalt go to hell

The woman, Alice Gooderidge, aged sixty, eventually admitted meeting the flatulent Thomas, who had called her 'the witch of Stapenhill'. To which she had retorted:

> Every boy doth call me witch,
> But did I ever make thy arse to itch?

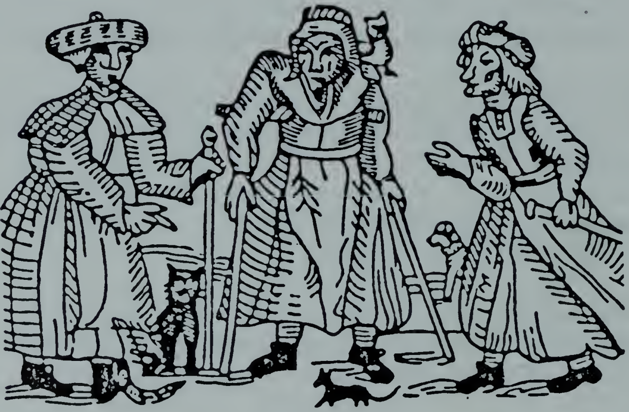
The evidence against this rhyming dame followed the usual course. The boy accused Mother Gooderidge of causing his fits, which conveniently he only threw in her presence. Her body was shaved and publicly searched for the witch's mark, and as additional proof she failed to recite the Lord's prayer. Although English witch-hunting did not go in for the elaborate tortures employed in Europe by the Inquisition an unusual type of 'persuasion' – rarely recorded in England – was used on Darling's witch.

A 'cunning man' offered to make her confess by putting a pair of new shoes on her feet and setting her close to the fire till the shoes became painfully hot. 'She being thoroughly heated, desired release and she would disclose all. Which granted, she confessed nothing'.

Later Mother Gooderidge admitted being helped by the devil 'in the likeness of a little parti-coloured dog', which she had received from her mother, Elizabeth Wright, who was then accused of causing Thomas's convulsions. This old woman was also searched for a witch's mark, and 'two teats like unto two great warts' were discovered on her shoulder and under an armpit. Although the boy eventually admitted he had counterfeited his fits, Alice Gooderidge died in prison in Derby, during her twelve-month sentence. What happened to her mother is not known. There is some satisfaction in recounting that in 1603 at Oxford University Thomas Darling was sentenced to be whipped and have his ears cropped for libelling the Vice-Chancellor.

A record from Leicester dated July 18, 1596 gives an idea of the cost of tormenting an old woman accused of witchcraft.

> Itm. pd for the charge of meate and drincke of old mother Cooke, being kept in the Hall v dayes at the suite of Mr. Edward Sauncers upon suspicion [*sic*] of Witchrye, who was afterwards removed to the Countrye gaiole, and was for the same arrayned, condemned, and hanged . . . ij s. vj d. [2/6]



Three Lincoln witches in 1619: Anne Baker, Joan Willimot and Ellen Greene.

In 1604 during the reign of James I a new and much harsher statute against witchcraft was enacted. Under it most major English witch trials were prosecuted. Hanging was now the penalty for a first offence of bewitchment, even if the alleged victim did not die. A year's imprisonment and a spell in the pillory was still the punishment for a first offence involving divination of stolen property, manufacturing love charms, or damaging property. The 1604 act tried to describe the nature of the pact with the devil, and the death penalty awaited all those who 'consult, covenant with, entertain, employ, feed, or reward any evil and wicked spirit'.

James had made careful study of witchcraft before he ascended the English throne, and in the foreword to his work *Demonology* he explained he had been impelled to write it 'by the fearful abounding at this time in this country of those detestable slaves of the devil, the witches and enchanters'. Fortunately, this monarch was not entirely immune to reason when after his accession he personally examined young Anne Gunter of North Moreton, Berkshire.

This fourteen-year-old accused Agnes and Mary Pepwell and Elizabeth Gregory, with their familiars, of causing her temporary blindness and deafness, and to vomit pins. The women were found not guilty at Abingdon in 1605. The king sent Anne to Samuel Harsnett, the chaplain to the Archbishop of Canterbury, to whom she later confessed how she had feigned supernatural possession, borrowing some of the details from witchcraft pamphlets friends had brought to the house during her 'illness'. The girl and her father were charged with conspiracy.

In 1616 the king was involved in uncovering an imposture by the Boy of Leicester: John Smith, the twelve-year-old son of Sir Roger Smith, of Husbands Bosworth. Unfortunately, a few weeks before the king visited the area, nine of the fifteen women the boy had accused of causing him to make noises like their spectral animal familiars, had been hanged. A fresh trial released five from prison, where the sixth died before acquittal.

Although a number of other child accusers were exposed as frauds, most were not and many women were executed and imprisoned on fantasy evidence. In 1692 the ravings and pranks of the youthful 'witch bitches' of Salem Massachusetts were responsible for the death of twenty-two innocent people.

Often children and adults who claimed to be victims of bewitchment were allowed to scratch the witch in the belief that after her blood had been shed the victim would recover. At the same time the accused was compelled to recite formula lines which further condemned her. The theory behind this practice was that the imp or demon sent into the body of the afflicted to possess and torment it would emerge to suck its mistress's blood. When such miraculous cures were thus effected the guilt of the accused was conclusively proved. In 1592 Richart Burt, a farmhand, while eating apple-pie in a barn in Pinner, Middlesex, saw a gigantic black cat, and was carried through the air to Harrow where he was dropped into a fire. Such was his alibi when he returned home four days later unable to speak, able only to point at Mother Atkins' house. Once he had 'scratched' her he 'mended reasonably'.

As physical beauty was often equated with inner goodness so ugliness and physical blemishes and deformity, associated with ageing – were hallmarks of the Devil. Antagonism against an aged crone was easily fanned. In 1603 at Catton, Suffolk, Sir Thomas Gross encouraged a mob to attack eighty-year-old Agnes Fenn who had been accused of bewitching a sick man. She was punched with dagger-handles, thrown in the air, and forced down upon a stool which had the sharp points of daggers and knives sticking upwards from it.

Any woman arousing her neighbours' dislike and suspicion risked being accused of witchcraft: accusation was but a short step to proof. In 1613 appeared 'A Booke of the Wytches Lately condemned and executed at Bedford'; one of the three witches it recorded was Mary Sutton whose offences included taking the shape of a black sow and frightening Farmer Enger's horses. To prove Mary guilty she was thrown into Mr Enger's milldam at Milton Mill. There she swam 'like a plank' and after being searched her body was found to possess the devil's mark. 'She was a second time cast into a milldamme very deepe thus bounde; her right thumbe to her left toe and her left thumbe to her right toe'. Held by a rope in case she drowned, the wretched woman floated, turning like a wheel in a whirlpool, incontravertibly proving her guilt.

The usual image of the witch is of an unlovely old dame, living alone except for a pet animal, talking to herself, muttering imprecations at neighbours or children who plagued her. Such curses could be viewed as a desire to injure. If thereafter a neighbour suffered mishap, the cursing woman might be suspected of diabolically engineering it, particularly if she had ever suffered at the hands of the person she had cursed. A contemporary rational observer remarked how terrible it was for a woman suspected of witchcraft if somebody she had recently visited happened to fall ill or die. The threat of being accused of witchcraft, against which there was no rebuttal, could also hang over the head of any young, desirable woman who had excited a neighbour's envy or jealousy.

In 1648 John Stearne, one of Mathew Hopkins' witch-finding associates, explained witchcraft as a female phenomenon since 'women were more easily displeased and revengeful' than men, due to Satan 'prevailing with Eve'. Given the social circumstances of many women at that time desperation might well have led them to hoping for satanic aid in righting the wrongs done to them. Even when the courts were no longer hearing witchcraft trials women might be called witches and hounded to death by a superstitious mob on no other grounds but age and ugliness.

In seventeenth-century England where there was no inquisition to declare heretical those who doubted the actuality of witchcraft, voices of sanity could be heard even if they did not prevail. In 1645, the newspaper, *The Moderate Intelligencer*, declared it was 'a great wonder' that devils should be conversant with 'silly old women that know not their right hand from their left'.

Not all those arraigned on charges of causing injury were entirely innocent of wishing to do harm. At the Lancashire witch trials of 1612–13 twenty alleged witches were arraigned. Among them were two near blind and decrepit, eighty-year-olds: Mrs Elizabeth Sowthern – 'old Demdike' – and Mrs Anne Whittle – 'Old Chattox' because she was a chatterbox. Despite their age these hags sound like petty gang-leaders, spitefully playing on neighbourhood fears and superstitions, and no doubt revelling in their notoriety. Of Mother Demdike it was said none could escape her fury if her family were offended or denied anything they needed. One man was so afraid of Chattox, he covenanted to pay her an annual allowance of meal so long as she harmed neither him nor his possessions, but on his deathbed he believed she had bewitched him because one instalment of meal had not been paid.

In March 1612 Mother Demdike's reputation brought her before a local justice for questioning during which she implicated her eleven-year-old granddaughter, Alison Device, and her rival, Chattox; they were committed to Lancaster Castle to await the assize. The two disreputable families met at Demdike's home, Malkin Tower in the Forest of Pendle on Good Friday for feasting and a conference, and planned to blow up Lancaster Castle (imitating Guy Fawkes unsuccessful Gunpowder Plot) and free the accused. On 27 April nine of them were arrested and sent to Lancaster. At the trial apart from a variety of accusations of general witchcraft were the specific indictments against Chattox, her daughter, Anne Redfearne, and Demdike's daughter, Elizabeth Device of bewitching to death Robert Nutter.

Elizabeth's daughter, nine-year-old Jannet recounted how a 'spirit in likeness of a brown dog' called Ball helped her mother kill people. Her brother, James, in his twenties, had also encountered this dog, and had heard Grandmother Demdike say his mother had bewitched a man to death for refusing alms. Unfortunately, little Jannet then said James was a witch, a charge to which he eventually confessed. Brother and sister identified most of the witches at the dinner at Malkin Tower purely on hearsay. Mrs Alice Nutter, the dead Robert's mother, and actually a well-connected, respectable woman, was 'proved' to be a witch because James explained his grandmother said she was!

Mother Demdike died in prison, but ten of the Lancashire Witches were hanged including Chattox and her daughter, Anne Redfearne, Elizabeth Device and her son James and daughter Alison, as well as the unlucky Mrs Nutter. Apart from the few acquitted, the rest escaped with minor punishments of imprisonment and pillory.

Even being acknowledged a 'good witch' did not prevent execution. At the London trial of the Wapping Witch, Joan Peterson, several defence witnesses testified to her skill in curing headaches and 'unwitching' cattle. However, the scales of justice were weighted heavily against Joan; many witnesses were coerced into staying away from the trial while others were bribed to give evidence against her, and Sir John Danvers, a member of Cromwell's council, unexpectedly joined the bench to convince the other magistrates of a guilty verdict. The case against the Wapping Witch was that she entertained familiars in the shape of a black cat and a squirrel. A servant declared she had seen her mistress in conversation with this bushy-tailed fiend, which had bewitched her too, so she could not remember what she had overheard. Joan Peterson was hanged at Tyburn on Monday 12 April 1652.

Various estimates have been given of the number of people hanged for witchcraft in England ranging as impossibly high as 70,000 under the statute of James I alone. Other experts 'guess' the number at several thousand which is possibly the nearest approximation from extant records. In the reigns of Elizabeth and James I about fifty pamphlets of famous English witch trials appeared, but during the reign of Charles I only half a dozen executions occurred. In the turbulent atmosphere of the Civil War and Commonwealth trials of witches peaked once again with around thirty pamphlets being produced.

Legal procedures for indicting witches became more formalized, evidence concentrated on finding the devil's mark given to those who swore allegiance to him. It was perhaps a way of avoiding the by now suspect evidence of children. Matthew Hopkins was a self-proclaimed expert at uncovering such marks. Although it is impossible to ascertain how many women were convicted wholly or partially on his evidence, it is claimed that in the year from 1645 to 1646 he was directly responsible for the execution of over sixty reputed witches. The more witches he brought to book the more his 'expertise' was reinforced, and the greater his income.

Hopkins, unable to make a living as a lawyer at Ipswich, had moved to the village of Manningtree in Essex, to achieve reputation and fortune by tracking down the subversive enemies of Parliament and God: in this case ignorant women who could be accused of witchcraft. In such unsettled times, the authorities were prepared to pay highly for his particular skills. While the average daily wage was sixpence, Hopkins was paid £6 for visiting Aldeburgh and £23 for a trip to Stowmarket.

Discovery of the devil's or witch's marks or familiars was sufficient proof, and the accused could be executed without a confession. But confession was invaluable for obtaining the names of other witches. In England torture was not permitted under common law, so to extort such confessions Hopkins with his witch-finding colleague, John Stearne, and their assistants Mary Phillipps, Edward Parsley and Frances Mill devised techniques which left few scars.

Until August 1645 when the Parliamentary commission of 'Oyer and Terminer' disfavoured 'swimming' as a means of securing proof of witchcraft, 'throwing a trussed-up woman into a pond to see if she sank' had been one of Hopkins' favoured methods, although he wrote piously he never presented evidence based on it. His other brutal measures however were acceptable to authority: starvation, sleep deprivation, walking the accused up and down until her feet blistered and mind wandered, solitary confinement, the special 'witches bridle', and sitting in a manner to produce exhaustion:

> Do but imagine a poor old creature, under all the weakness and infirmities of old age, set like a fool in the middle of a room, with a rabble of ten towns round about her house; then her legs tied cross, that all the weight of her body might rest upon her seat. By that means, after some hours, that the circulation of the blood would be much stopped, her sitting would be as painful as the wooden horse. Then she must continue in her pain four and twenty hours, without either sleep or meat, and since this was their

> ungodly way of trial, what wonder was it, if when they were weary of their lives, they confessed any tales that would please them, and many times they knew not what

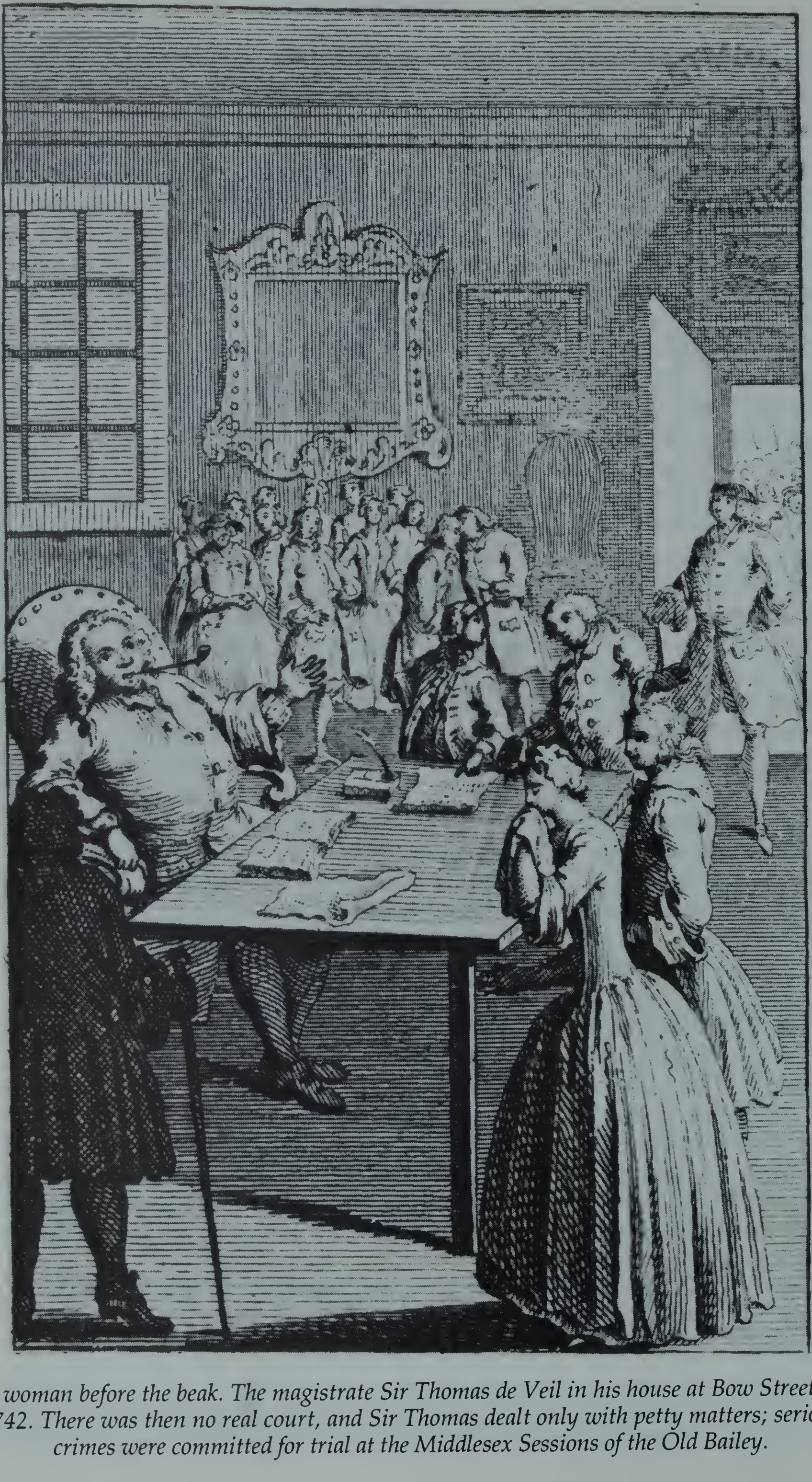
Most confessions followed a pattern expected by the judge, the jury, the public and, at this juncture how many times must a distracted woman have become convinced of her own guilt, and describe how she had made a pact with the Devil, exchanging her soul for the offer of wealth and happiness and certain supernatural powers. Thereafter at night in a church or some deserted open air spot she had sworn to worship the Devil. She would describe her 'familiars' with the simplicity of someone talking about her pets. A witch, no matter how aged, usually admitted sexual relations with Satan, to the delighted prurience of her inquisitors, for whom it proved the sexual insatiability of the female, however old and undesirable.

Pricking was intended to provide evidence of guilt. The woman's body was shaved and she was held down naked while a witch pricker thrust pins in every part of her flesh. Any blemish, birthmark or scar insensitive to pain was the Devil's mark given her when she vowed allegiance to him. She was subject to a total and intimate search by a special panel of investigators for the witch's mark: any wart, extra teat, growth or other excrescence such as an haemorrhoid was the proven means by which a witch fed her familiar. The evidence was invariably found. The shock of being so publicly humiliated must often have deadened a woman to pain; but while displaying genuine bodkins, witch-finders frequently used false bodkins with a retractable blade and hollow shaft which when pressed against a victim's flesh caused no sensation of pain.

In March 1650 the Newcastle magistrates invited a man 'that trieth witches in Scotland' to carry out tests on members of the community against whom complaints of witchcraft had been made. For his efforts the 'expert' was to receive 'twenty shillings a piece for all he condemn as witches, and free passage thither and back again'. Of the thirty women brought to the town hall, stripped and pierced with pins twenty-seven were found guilty; as a result one man and fourteen women were hanged. When this witch-pricker arrived in Northumberland he raised the fee to £3 per convicted witch. His lucrative profession was brought to a close by a suspicious gentleman who remarked 'had he stayed he would have made most of the women in the North witches, for money'. Eventually the witch-pricker ended upon the gallows in Scotland where he confessed he had caused the death of over 220 women 'for the gain of twenty shillings apiece.'

On the strength of such evidence Hopkins uncovered many diabolical networks, culminating in 1645 at Chelmsford in the worst witch trial of the seventeenth century. Of thirty-two women indicted, nineteen were hanged.

Although Hopkins did not end on the scaffold as he deserved, by 1646 his integrity was becoming suspect and judges questioned his methods



A woman before the beak. The magistrate Sir Thomas de Veil in his house at Bow Street in 1742. There was then no real court, and Sir Thomas dealt only with petty matters; serious crimes were committed for trial at the Middlesex Sessions of the Old Bailey.

and his fees (which, with Stearne's, probably amounted to £1,000). He retired to Manningtree, and within a year, died of tuberculosis. Alas, the tale of some indignant gentlemen 'swimming' the abominable Hopkins who floated is apocryphal.

The frequency of witch trials was determined by the fear of local people and the attitude of justices whose ability to believe certain evidence seems as extraordinary as the evidence itself. In 1663 at Taunton, Somerset, Mrs Julian Cox was found guilty of being a witch before Justice Robert Archer. Her execution resulted from the testimonies of several witnesses. One, a huntsman, said that while following a rabbit round a bush he came upon Mrs Cox but the rabbit had vanished, thus indicating the woman could change her shape. Another, having seen a toad in Mrs Cox's house, claimed he saw the same toad in his own home. 'He took the toad out to kill it, and to his thinking cut it in several pieces, but . . . the toad still appeared . . . at length, the toad cried and vanished . . .' And a third claimed to have seen Mrs Cox 'in her full proportion' flying in at her window.

Judges in turn were influenced by their superiors. Sir Matthew Hale (1609–76), the Chief Justice of England had no doubts about witchcraft.

When Rose Cullender and Amy Duny were indicted for witchcraft at Bury St Edmunds in 1665 on the testimony of children whose behaviour was found to be fraudulent, the trial still continued. Although the two widows vehemently denied the charges their bodies were examined for telltale evidence. The outcome of one examination remained untold, presumably not producing the necessary proof. The other woman was searched in her own home by 'six accredited persons' who found 'in the lower part of her belly . . . a thing like a teat of an inch long'. When questioned about it she said the excrescence had been caused by a strain from carrying water.

Undeterred by mere fact, Chief Justice Hale, in his summing up told the jury:

> he would not repeat the evidence unto them lest by doing so he should wrong the evidence on one side or on the other . . . there were two things to inquire after. Whether or no these children were bewitched, and whether the prisoners were guilty of it.

He then expressed his own belief in the existence of witches because the Bible mentioned them, and 'the wisdom of all nations had provided laws against such persons which is an argument for their confidence of such'. Following this pronouncement a jury in that age would scarcely dare pronounce any verdict but guilty, and the two women were hanged.

Just as Hale swayed judges in one direction, so a successor, Lord Chief Justice Holt, influenced them in another. Between 1694 and 1701 Holt presided at eleven witchcraft trials, all culminating in acquittals, and lower judges followed his example.

Although Joan Neville was hanged for witchcraft on 3 September

1660, marking the final hanging for this offence in the Home Circuit, there were few executions after the Restoration in 1660. In 1674 Ann Foster was hanged at Northampton 'for by her malice and witchcraft' she 'set all the barns and corn on fire . . . and bewitched a whole flock of sheep.' In 1684 Alice Molland at Exeter was the last woman to be hanged as a witch in England, but in 1693 at Beccles, Suffolk, Widow Chambers, accused of witchcraft, died in jail as a result of the torture by walking.

With the belief in the power of witches declining, it was still possible in 1704 for the *Athenian Oracle*, a magazine offering fairly sensible views, to reply to a reader's question as to whether killing a witch was permitted to save oneself with: '. . . we should make no scruple to strike or stab them'.

In 1712 Jane Wenham 'the wise woman of Walkerene' had the dubious honour of being the last woman tried for witchcraft in England. One accusation against her was of bewitching Matthew Gilson a farmhand, who had refused her a pennyworth of straw, so that he ran along the road, asking everyone he met for straw. Some time later, Anne Thorne, a disturbed young maidservant, claimed that Jane Wenham had bewitched her into running home half-naked, with a bundle of sticks wrapped in her clothing. In prison Jane was searched for witch's marks, and under pressure made a confession involving other women, later released. Witnesses testifying against her included three clergymen, but the lawyers would only charge her with 'conversing familiarly with the devil in the form of a cat'. Of this the jury at the Hertford assizes found her guilty, but Justice Powell managed to obtain a reprieve, and the 'wise woman' was pardoned.

In September 1717 at Leicester Jane Clerk of Great Wigton with her son and daughter were the last persons charged with witchcraft, but the jury rejected the indictments.

Among ordinary people the witchcraft delusion was slow to wane, and in New England witches were being hunted and hanged well after the last witch had been executed in England. In 1718 Francis Hutchinson DD, a most respected English cleric, wrote his *Historical Essay Concerning Witchcraft* which had been described as 'a final and deadly blow at the dying superstition'. In the dedication Hutchinson declared:

> If the same notions were to prevail again (and superstition is never far off) no man's life would be safe in his own house, for the fantastic doctrines that support the vulgar opinions of witchcraft rob us of all the defences that God . . . has placed for our security against false accusations . . .

Scotland has the unhappy claim of being more barbarous in its treatment of alleged witches than England, and it was as late as 1727 that the last woman was burned there for witchcraft at Dornoch, Ross-shire. She was Janet Horne, charged with 'having used her daughter as a flying horse, the devil shoeing her so that she was permanently lamed'.

Scotland took a stern view of witches from early in its history, and a law attributed to Kenneth (MacAlpin) *c*.850 prescribed burning 'for those who invoked spirits'. Until the Reformation there was not a single instance of burning for witchcraft, except for those nobles who engaged in sorcery for political ends. In 1537 Lady Glamis was burned for 'employing charms' against King James V, but in 1590 a jury of tenants acquitted Lady Foullis of the charge of using charms, wax moppets and poison against Lady Balnagowan in order to wed Lord Balnagowan.

When Mary Queen of Scots came to the throne in 1563 a statute was enacted against sorcery and fortune telling, making the person consulting the witch as guilty as the witch herself. Although a number of women were burned as witches – in 1576 Bessie Dunlop of Lyne, Ayrshire for being given herbal remedies by the Queen of the Fairies, and 1588 Allison Peirson of Byre Hills, Fifeshire, for conversing with the Queen of Elfame and prescribing magic potions – the real persecution did not begin until the reign of James VI (James I of England).

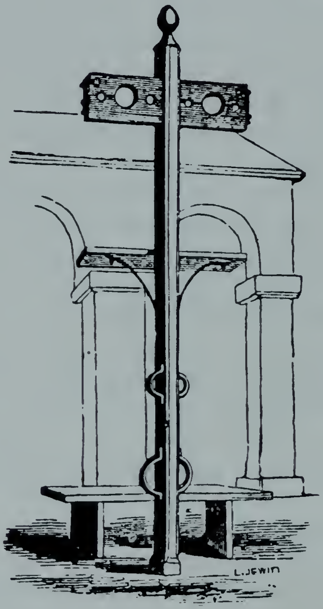
In 1590 he examined the North Berwick Witches in person, and wholly believed in the charges against them which included invoking tempests to shipwreck him and being able to sail the sea in sieves. Seventy people were implicated, including the Earl of Bothwell and a number of well-born ladies.

Agnes Sampson 'of a rank and comprehension above the vulgar' at first denied her guilt, but examination revealed the devil's mark on her pudenda. She was then shackled to a wall in her cell by a witch's bridle, an iron helmet with four sharp prongs forced into the mouth. She was deprived of sleep, and a rope was tied about her head to jerk it and cause 'a pain most grievous', the spikes tearing her mouth and tongue. Eventually Agnes confessed to the fifty-three charges against her, and she was strangled and burned as a witch. Her evidence contained the most colourful details of diabolical deeds: as truth could not curtail the agony, so only fantastic tales of devilry satisfied sadistic torturers and credulous monarch.

The jury dismissed the case against Barbara Napier, sister-in-law to the Laird of Carschoggill, but the king, so infuriated by their decision, ordered her to be strangled and burned with her property forfeit to him; and the jurymen were tried for 'willful error in acquitting a witch'. Mistress Napier pleaded her belly, and after a while was released. Dame Euphemia Maclean, daughter of Lord Cliftonhall, a Catholic and friend of the Earl of Bothwell, had no such luck. On 24 July 1591 King James ensured she was burned without first being strangled.

With the existence of witches having the royal seal of approval no woman was entirely safe from accusation, and no accusation too incredible to be true. In 1597 in Aberdeen twenty-four men and women were burned as witches, many of them first being swum to prove guilt. £11 10s was spent on 'peat, tar barrels, and coals' and payment to the executioner for burning two of the women. Accusations ranged through dancing with the devil round the town cross, causing married men to be unfaithful, bewitching animals and men to death, raising storms, souring milk and sending nightmare cats.

Many churches in Scotland, in their zeal to confound the Devil, had special boxes in which written allegations could be placed. Frequently the elders and minister of the church initiated charges of witchcraft, and then applied to have civil judges pass sentence. The law was weighted against the accused, for reputation as a witch was sufficient evidence of being one, and no confession was necessary before conviction and burning. Once an indictment, however false, had been drawn the accused could not dispute it. When in 1629 Isobel Young was accused of stopping a water mill twenty-nine years earlier and of cursing a man who became lame, she attempted to defend herself by explaining natural causes might stop a mill and the man had been lame before she cursed him. Her prosecutor would not allow this defence on the grounds that it contradicted the charge!



A combined whipping-post and pillory, Coleshill, Berkshire, c. *1650.*

A large proportion of those accused succumbed to torture and made full confessions of their guilt. It is estimated that about 4,000 witches were burned, the worst persecutions being between 1590–7, 1640–4 and 1660–3.

While Scotland employed all the means of persuasion known to English witch-hunters, it also exercised more terrible methods, such as those used on Agnes Sampson. Others include flogging, crushing fingers in a vise, squeezing legs in iron boots or pulling out fingernails. A particular Scottish torment was to dress the accused in a rough shirt soaked in vinegar, which tore the skin from the body.

In June 1596 Alice Balfour was held for forty-eight hours in the 'caspie claws', an iron vise which crushed her arms. During this torture she was forced to witness her 81-year-old husband pressed beneath 700 pounds of iron, her son placed in 'Spanish Boots' which smashed his legs to a pulp, and thumbscrews applied to her seven-year-old daughter. When Mistress Balfour was released from torture she recanted her confession, but nevertheless was burned as a witch on 16 December 1596.

In 1652 the English Commission for administration of justice recorded how to make them confess to charges of witchcraft, six women had been hung up by their thumbs and flogged, with lighted candles used to burn them in the mouth and between their toes. Only two survived this torture to flee the Highlands and tell the tale.

By 1697 in England children's accusations were no longer accorded uncritical belief, but in Renfrewshire, eleven-year-old Christine Shaw, third child of the Laird of Bargarran, near Paisley, was responsible for the indictment of twenty-one people. She exhibited all the symptoms of hysteria and spite shown by children in other cases, and described in pamphlets which she had probably perused. She threw fits and vomited a selection of odds and ends that she insisted spirits of the witches had forced her to swallow. Other children, related to the accused, supplemented the girl's fantasies. A jury took seven hours to pronounce three men and four women guilty. They were burned on 10 June 1697 in Paisley. One account suggests some of them were still alive on being cast into the flames.

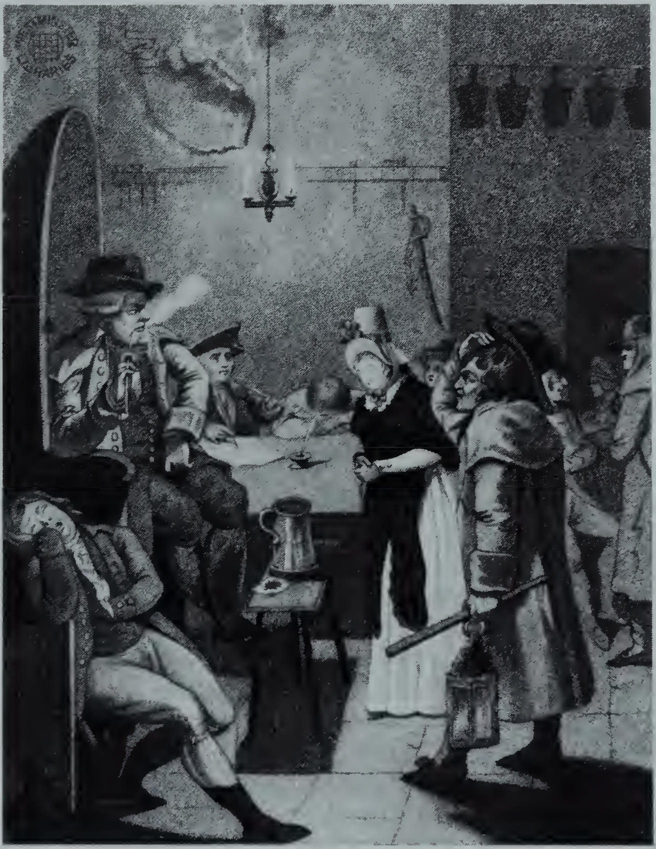
To heap insult on injury the condemned or her relatives had to pay for trial, torture and execution, any balance of the estate was confiscated by the king. If the accused was penniless and living in a town or village, the costs were divided between the town council and the church sessions. Even were the accused acquitted – which rarely happened – she would still be liable for the costs of the trial, the fees of the judge, scribes and messengers.

When Margaret Dunholme was executed at Burncastle in 1649 the bill for her destruction was over £90 which included more than £45 (a Scottish pound was valued at one sixth of an English pound) for thirty days imprisonment, paying 30s a day to two men who watched her. To John Kincaid (the Scottish equivalent of Matthew Hopkins) went £6 for pricking her plus an additional £4 for meat and drink and wine for him and his man. Scottish witch-prickers' accusations were usually sufficient evidence to convict a woman. The 'padded' balance paid for tarred gallows stakes and carpenters to make them, the services of the hangman, his transportation and his meat and wine, and of course her own food.

Like other forms of public punishment, the execution of witches was good for certain kinds of trade. Tavern-keepers, beggars, whores, hucksters and pickpockets found rich pickings among the crowds who attended these gruesome spectacles.

With the widespread belief that witchcraft really was as powerful as its adversaries declared, one may wonder why the Devil's handmaids did not rise against their persecutors. The reason, of course, is that their power was an illusion. The fear and prejudice fuelling the witchcraft mania against defenceless women was similar to that which caused the hideous deaths of millions in the twentieth century, victims of the witch-hunts of Nationalism, and all other 'isms, seeking a scapegoat for society's problems, and a target to concentrate their disciples' hatred.

12 Postscript



Night Constable's Justice, *Thomas Rowlandson, 1750. An errant female is brought before the constable in the watch-house by a 'Charley' – the popular name for a watchman.*

We have travelled almost two thousand years in reviewing the punishments thrust upon the women of Britain. Rather like birth and death, their punishment and humiliation was a part of daily life. Its ubiquity made it appear normal, allowing it to be echoed in the treatment meted out in the privacy of the home. It is no wonder that domestic violence still flourishes when the roots of judicial cruelty to women are so deeply embedded in society.

Many of the crimes women committed or were accused of in the past resulted from their inferior status in a world controlled by and organized for men. Women's failure to conform to rules set by men sprang largely from poverty, ignorance and desperation. That they were women made them exploitable and suspect.

Although men and women are now said to be equal before the law, such law is made by men for women. Consequently there may still be a subtle difference in the justice men and women receive. Murder by a wife of a drunken, brutal partner can still result in her imprisonment whereas a husband committing a similar crime may receive a non-custodial sentence.

Only in October 1991 did the Law Lords rule that a man may be guilty of raping his wife, thus bringing the law for England and Wales in line with that of Scotland, and overturning the centuries-old concept that woman is man's chattel.

Apart from imprisonment the cruelties of the past no longer exist. Although there are policewomen and wardresses as well as women judges and lawyers, the woman who steps beyond the bounds of law for whatever reason may find the legal system treats her with undue severity.

Women are more likely to face a custodial sentence if they are found guilty, because lack of financial resources often ensures they are sent to prison at an earlier stage than men. Conditions in female prisons as yet leave much to be desired, with babies still being born in custody. Women prisoners – particularly lesbians or members of ethnic minorities – affirm that they are treated more harshly than men, especially if they do not fulfil the conventional idea of wife and mother.

A female offender may find the very masculine ethos of courts particularly intimidating, especially when some lawyers express opinions about the role and behaviour expected of women which belong to earlier ages. Women on trial are not helped by a judge remarking, 'I'm far too chivalrous. I put women on a pedestal.'

By falling off this pedestal the female offender is regarded not just as a lawbreaker but as an inappropriate woman. Even as we approach the twenty-first century the feeling persists that lawmakers still regard women with suspicion and demand from the daughters of Eve greater conformity to the rules than they do from the sons of Adam.

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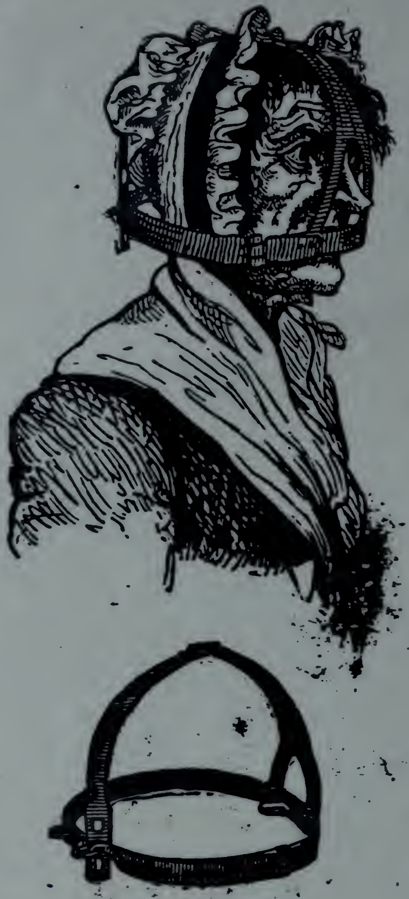

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